

# QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 8

Report and Recommendations of Independent Commissioners Regarding  
Chapter 30, Chapter 35 and Chapter 36

## Commissioners

Denis Nugent (Chair)

Calum MacLeod

Mark St Clair

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**Appendix 5:** Recommendations to Stream 10 Panel on Definitions

**Appendix 6:** Recommendations on Submission to Stream 10 Panel

## PART A: INTRODUCTORY MATTERS

### 1. PRELIMINARY

#### 1.1. Terminology in this Report

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

Act	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
Aurora	Aurora Energy Limited
Clause 16(2)	Clause 16(2) of the First Schedule to the Act
Council	Queenstown Lakes District Council
House Movers	House Movers Section of New Zealand Heavy Haulage Association (Inc), Jones Contracting Queenstown Ltd, King House Removals Ltd, Fulton Hogan Heavy Haulage Ltd, Transit Homes Ltd, Patterson Contracting Otago Ltd and Scobies Transport Ltd
Jacks Point Group	Jack's Point Residential No.2 Ltd, Jack's Point Village Holdings Ltd, Jack's Point Developments Ltd, Jack's Point Land Ltd, Jack's Point Land No. 2 Ltd, Jack's Point Management Ltd, Henley Downs Land Holdings Ltd, Henley Downs Farm Holdings Ltd, Coneburn Preserve Holdings Ltd, Willow Pond Farm Ltd and Jacks Point Residents and Owners Association
NZEC 34:2001	New Zealand Electrical Code of Practice for Electrical Safe Distances 2001
NESETA 2009	Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
NESTF 2008	Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008
NESTF 2016	Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016
NPSET 2008	National Policy Statement for Electricity Transmission 2008
NPSFWM 2014	National Policy Statement for Freshwater Management 2014
NPSREG 2011	National Policy Statement for Renewable Electricity Generation 2011
NPSUDC 2016	National Policy Statement on Urban Development Capacity 2016
NZTA	New Zealand Transport Agency

ODP	The Operative District Plan for the Queenstown Lakes District as at the date of this report
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
Proposed RPS	The Proposed Regional Policy Statement for the Otago Region Decisions Version dated 1 October 2016, unless otherwise stated
QAC	Queenstown Airport Corporation Ltd
QPL	Queenstown Park Ltd
RPL	Remarkables Park Ltd
RPS	The Operative Regional Policy Statement for the Otago Region dated October 1998
Telecommunication Companies Transpower	Vodafone New Zealand Ltd, Spark New Zealand Trading Ltd, Two Degrees Mobile Limited and Chorus New Zealand Ltd Transpower New Zealand Limited

## 1.2. Topics Considered

2. The subject matter of the Stream 5 hearing was Chapters 30, 35 and 36 of the PDP (Hearing Stream 5). Each of these are District Wide chapters.
3. Chapter 30 deals with energy and utilities. In terms of energy, it is concerned both with the generation of electricity and encouraging energy efficiency. The provisions relating to utilities recognise that they are essential to the servicing and functioning of the District, but also seek to achieve a balance between the competing effects of utilities and other land uses.
4. Chapter 35 deals with temporary activities and relocated buildings. The provisions recognise that these activities can occur in any zone subject to appropriate controls on adverse effects.
5. Chapter 36 is concerned with noise. The general purpose of the chapter is to manage noise effects from activities throughout the District.

## 1.3. Hearing Arrangements

6. The hearings were held in Queenstown on 12<sup>th</sup>, 13<sup>th</sup> and 15<sup>th</sup> September 2016, and in Wanaka on 14<sup>th</sup> September 2016. The Council's written reply, in the form of legal submissions and evidence, was received on 23<sup>rd</sup> September 2016.
7. Parties heard from on Stream 5 matters were:

### **Council**

- Sarah Scott and Katherine Hockly (Counsel)
- Kimberley Banks (author of the Section 42A Report on Chapter 35)
- Craig Barr (author of the Section 42A Report on Chapter 30)
- Dr Stephen Chiles

- Ruth Evans (author of the Section 42A Report on Chapter 36)

**QAC<sup>1</sup>**

- Rebecca Wolt (Counsel)
- Christopher Day
- Kirsty O’Sullivan
- Scott Roberts

**Jet Boating New Zealand<sup>2</sup>**

- Eddie McKenzie

**Jacks Point Group<sup>3</sup>**

- Maree Baker-Galloway (Counsel)
- Chris Ferguson

**Michael Farrier<sup>4</sup>**

**NZTA<sup>5</sup>**

- Anthony MacColl

**Real Journeys Limited<sup>6</sup> and Te Anau Developments Limited<sup>7</sup>**

- Fiona Black

**Aurora Energy Limited<sup>8</sup>**

- Bridget Irving (Counsel)
- Joanne Dowd
- Stephen Sullivan

**John Walker<sup>9</sup>**

**House Movers<sup>10</sup>**

- Stuart Ryan (Counsel)
- Graham Scobie

**QPL<sup>11</sup> and RPL<sup>12</sup>**

- Brian Fitzpatrick

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1 Submission 433  
 2 Submission 758  
 3 Submission 762 and Further Submissions 1275 and 1277  
 4 Submission 752  
 5 Submission 719  
 6 Submission 621 and Further Submission 1341  
 7 Submission 607 and Further Submission 1342  
 8 Submission 635  
 9 Submission 292  
 10 Submission 496  
 11 Submission 806 and Further Submission 1097  
 12 Further Submission 1117



**Vodafone New Zealand Ltd<sup>13</sup>, Spark New Zealand Trading Ltd<sup>14</sup> and Chorus New Zealand Ltd<sup>15</sup>**

- Matthew McCallum-Clarke
- Graeme McCarrison
- Colin Clune

**Totally Tourism Ltd<sup>16</sup> and Skyline Enterprises Ltd<sup>17</sup>**

- Sean Dent

**Transpower<sup>18</sup>**

- Ainsley McLeod
- Andrew Renton

8. In addition, a statement of evidence lodged by Megan Justice on behalf of PowerNet Ltd<sup>19</sup> was tabled. Mr David Cooper lodged a statement of evidence on behalf of Federated Farmers of New Zealand<sup>20</sup> and tabled a summary of his evidence. Finally, a letter from Rob Owen of the New Zealand Defence Force<sup>21</sup> dated 8 September 2016 was tabled.
9. Neither Ms Justice, Mr Cooper nor Mr Owen appeared at the hearing in relation to these documents. While we have considered these statements of evidence, our inability to question the witnesses limited the weight we could put on the evidence.

**1.4. Procedural Steps and Issues**

10. The hearing of Stream 5 proceeded on the basis of the pre-hearing general directions made in the Panel's Minutes summarised in Report 1<sup>22</sup>.
11. Specific to the Stream 5 hearing, Counsel for Lake Hayes Cellar Limited (LHC)<sup>23</sup> lodged a Memorandum dated 23 August 2016 seeking clarification as to whether the submissions points of LHC on Chapter 36 would be heard or deferred consistent with the Chair's Minute of 17 June 2016. By way of a Minute dated 24 August 2016, the Chair confirmed the deferment of LHC's submission to the mapping hearings.
12. The Chair issued a Minute on 26 August 2016 confirming that the submissions lodged by Mr Manners-Wood<sup>24</sup> were not relevant to Chapter 36 and, consequently, that he would not be heard in Stream 5.
13. By way of a Memorandum dated 30 August 2016, counsel for the Council sought that one full day be allocated for the Council opening on 12 September 2016. Provision was duly made for the Council to have that amount of hearing time.

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<sup>13</sup> Submission 179 and Further Submission 1208  
<sup>14</sup> Submission 191 and Further Submission 1253  
<sup>15</sup> Submission 781 and Further Submission 1106  
<sup>16</sup> Submission 571  
<sup>17</sup> Submission 574  
<sup>18</sup> Submission 805  
<sup>19</sup> Submission 251 and Further Submission 1259  
<sup>20</sup> Submission 600 and Further Submission 1132  
<sup>21</sup> Submission 1365  
<sup>22</sup> Report 1, Section 1.5  
<sup>23</sup> Submission 767  
<sup>24</sup> Submissions 213 and 220

14. Counsel for Aurora Energy Limited filed a Memorandum on 1 September 2016 seeking leave to file its evidence by 12pm on 9 September 2016, 5 working days after the time specified in the notice of hearing. The Chair replied by way of a Minute dated 1 September 2016 refusing the full extension sought, but granting an extension to 10am on 5 September 2016 (1 working day).
15. On 16 September 2016, Counsel for Transpower filed a Memorandum suggesting a proposed controlled activity rule to apply to activities adjacent to Transpower's Frankton Substation. This was in response to questions put to Transpower's witnesses in the hearing.
16. In response to the Transpower Memorandum, the Panel received a Memorandum filed by Counsel for PR and MM Arnott suggesting that there was no jurisdiction for the Panel to consider the rule proposed by Transpower.
17. The Chair responded to both of these memoranda in a Minute dated 20 September 2016. The Chair reviewed the original submission of Transpower and concluded the new proposed rule was within the scope of the original submission.
18. The Hearing Panel issued a Minute dated 28 September 2016 seeking clarification from the Council of the formulation 1-2 used in notified Table 5 in Rule 36.6.3 and whether that was a typographical error consistent with the error identified by the Council in notified Table 5 in Rule 36.7. Counsel for the Council replied by Memorandum on 28 September 2016 that it was a similar typographical error and expressed the opinion that the correction of it would fall within the category of minor correction under clause 16(2) of the First Schedule to the Act.
19. On 24 May 2017 we issued a Minute requiring caucusing between Mr Barr and Mr McCallum-Clark to provide the Panel with advice on ensuring the rules proposed by the Council and Telecommunications Companies were consistent with the NESTF 2016.
20. On 25 September 2017 we received a Joint Witness Statement<sup>25</sup> from Mr Barr and Mr McCallum-Clark recording their agreement on amendments necessary to a number of rules to ensure consistency with the NESTF 2016. This also recorded one area of disagreement in relation to the height of poles in the Rural Character Landscapes in the Rural Zone.
21. Mr Barr and Mr McCallum-Clark agreed there was scope within the submissions from the Telecommunication Companies<sup>26</sup> for the amendments they proposed so as to ensure consistency of the PDP with NESTF 2016. We accept the agreed amendments for the reasons set out in the Joint Witness Statement and incorporate the recommended changes into our recommendations without further discussion. We discuss the one area of disagreement when discussing notified Rule 30.4.14 below.

#### 1.5. Statutory Considerations

22. The Hearing Panel's Report 1 contains a general discussion of the statutory framework within which submissions and further submissions on the PDP have to be considered, including matters that have to be taken into account, and the weight to be given to those matters. We

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<sup>25</sup> Joint Witness Statement of Craig Barr and Matthew McCallum-Clark – Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016 – Energy and Utilities Chapter (30), dated 25 September 2017

<sup>26</sup> Submissions 179, 191, 421 and 781

have had regard to that report when approaching our consideration of submissions and further submissions on the matters before us.

23. Some of the matters identified in Report 1 are either irrelevant or only have limited relevance to the objectives, policies and other provisions we had to consider. The NPSFWM 2014 is in this category. The NPSET 2008, the NPSREG 2011 and the NPSUDC 2016 do, however, have more relevance to the matters before us. We discuss those further below.
24. The section 42A reports on the matters before us drew our attention to objectives and policies in the RPS and proposed RPS the reporting officers considered relevant. To the extent necessary, we discuss those in the context of the particular provisions in the three Chapters.
25. The NPSET 2008 sets out objectives and policies which recognise the national benefits of the electricity transmission network, manage the environmental effects of that network, and manage the adverse effects of other activities on the transmission network. The network is owned and operated by Transpower. In this District, the network consists of a transmission line from Cromwell generally following the Kawarau River before crossing through Shotover Country and Frankton Flats to Transpower's Frankton substation, which also forms part of the network.
26. Relevant to the application of the NPSET 2008 are the NESET 2009. These set standards to give effect to certain policies in the NPSET 2008.
27. The NPSGEG 2011 sets out objectives and policies to enable the sustainable management of renewable electricity generation under the Act.
28. The NPSFWM 2014 sets out objectives and policies in relation to the quality and quantity of freshwater. Objective C seeks the integrated management of land uses and freshwater, and Objective D seeks the involvement of iwi and hapu in the management of freshwater. To the extent that these are relevant, we have taken this NPS into account.
29. The NPSUDC 2016 is relevant to the extent that it requires that local authorities satisfy themselves that adequate infrastructure is available to support short and medium term urban development capacity.
30. Finally, the NESTF 2008 applied at the time of the hearing. These standards defined the activity status of various telecommunication facilities and applied conditions on telecommunication facilities and activities. After the completion of the hearing, these Standards were replaced with the NESTF 2016. The NESTF 2016 sets out standards for various telecommunication facilities and provides that those facilities are permitted activities if the standards are complied with. Where the standards are not complied with, the activity status in the district plan comes into play. Where items of significance, or landscapes and habitats of significance, are affected, the district plan rules apply in place of the NES standards. Under s.44A of the Act, if there are any conflicts between the rules in the PDP and the NESTF 2016, the PDP may be amended without following the Schedule 1 process. Thus, if we find any such conflict, we will recommend amendments to the PDP to remove the conflict, whether or not submissions sought such amendments.
31. The tests posed in section 32 form a key part of our review of the objectives, policies, and other provisions we have considered. We refer to and adopt the discussion of section 32 in the Hearing Panel's Report 3. In particular, for the same reasons as are set out in Report 3, we

have incorporated our evaluation of changes we have recommended into the report that follows, rather than provide a separate evaluation of how the requirements of section 32AA are met.

## PART B: CHAPTER 30 - ENERGY AND UTILITIES

### 2. PRELIMINARY

#### 2.1. General Submissions

32. Several submissions require consideration before discussing the provisions in the chapter and the submissions on those provisions. Kain Froud<sup>27</sup> supported the chapter generally. As we are recommending changes to the chapter, we recommend his submission be accepted in part.
33. Maggie Lawton<sup>28</sup> sought that the Council consider introducing an organic waste collection so as to reduce the amount of waste going into landfills. Although this has some relationship to this chapter, in that the rules of the chapter provide for waste management facilities, we do not consider it is a matter that falls within the Council's resource management functions. Rather it is a matter better dealt with under the Council's Local Government Act functions. On that basis, we recommend this submission be rejected.
34. David Pickard<sup>29</sup> has sought a general policy to discourage light pollution throughout the District. This issue has been dealt with in relation to other chapters. The Hearing Panel, differently constituted, that heard Stream 1B has recommended a new policy in chapter 4 that reads:
- Ensure lighting standards for urban development avoid unnecessary adverse effects on views of the night sky.*<sup>30</sup>
35. The same Panel has also recommended that Policy 6.3.5 read:
- Ensure the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including the sense of remoteness where it is an important part of that character.*
36. We consider that these policies give effect to the relief sought by Mr Pickard, but as they are in a different part of the PDP, we recommend his submission be accepted in part.
37. The Telecom Companies<sup>31</sup> sought that Chapter 30 be amended to provide a framework that supports utilities and manages the adverse effects of activities. This was conditionally supported by Te Anau Developments Limited<sup>32</sup>. As the overall effect of our recommendations on the submissions on this chapter, in our view, do provide such a framework, we recommend this submission be accepted. The conditional nature of the further submission means it should only be accepted in part.
38. Te Ao Marama Inc<sup>33</sup> sought that those aspects of Chapter 30 which affected freshwater quality and quantity should give effect to the NPSFWM 2014, particularly Objective D and Policy D-1. We have taken those provisions into account in coming to our conclusions on this chapter. We recommend the submission therefore be accepted in part.

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<sup>27</sup> Submission 19

<sup>28</sup> Submission 165

<sup>29</sup> Submission 424

<sup>30</sup> Policy 4.2.2.10

<sup>31</sup> Submissions 179.15, 191.13 and 781.14

<sup>32</sup> Further Submission FS1342.9

<sup>33</sup> Submission 817

39. Te Anau Developments Ltd<sup>34</sup> and Cardrona Alpine Resort Ltd<sup>35</sup> sought amendments to the chapter to make special provision to ensure that the development, operation, maintenance and upgrading of energy, utilities and infrastructure related to tourism activities are specifically enabled. Ms Black appeared in support of these submissions. Her evidence focussed on the utility requirements of isolated locations, such as Walter Peak Station and Cardrona Alpine Resort and how specific policies and rules could be amended to assist those requirements. We have taken these matters into account in our consideration of the objectives, policies and rules and consequently recommend that the submissions be accepted in part.

2.2. **Aurora Submission<sup>36</sup>**

40. While this submission sought a number of amendments to the objectives, policies and rules in Chapter 30, one aspect of the submission, contained in 8 submission points, has an overall goal of having provisions inserted into the PDP to protect certain lines of the Aurora network from the effects of other land uses. In our view, it is more appropriate to consider this matter at the outset rather than a piecemeal approach policy by policy or rule by rule. Further submissions were lodged opposing this aspect of the submission by Federated Farmers<sup>37</sup> and Transpower<sup>38</sup>.

41. Aurora also appeared in respect of this overall objective in Hearing Streams 1 and 4 (each with Hearing Panels differently constituted from this Panel). While our recommendations are based on the submissions and evidence we heard in respect of this submission, we have also had the benefit of reviewing the reports and recommendations of those other hearing panels. In addition, Ms Dowd attached to her evidence copies of the evidence presented to the Stream 1 Hearing Panel, and the evidence and written answers she provided to questions set by the Stream 4 Hearing Panel.

42. The Aurora submission sought corridor protection for what it described as its strategic electricity distribution assets, namely -

- a. All 33kV and 66kV sub-transmission and distribution overhead lines and underground cables;
- b. 11kV overhead line to Glenorchy;
- c. 11kV overhead line between the Cardrona Substation up to the ski fields;
- d. 11kV overhead line to Treble Cone; and
- e. 11kV overhead line to Makarora.

43. The components of the submission are:

Submission Point	Amendment Sought (Summarised)
.1	Insert definition of Critical Electricity Line
.3	Insert definition of Electricity Distribution
.4	Insert definition of Electricity Distribution Line Corridor
.51	Amend Policy 30.2.6.4 to include reference to Critical Electricity Line Corridor
.61	Amend Rule 30.4.10 to include reference to Critical Electricity Line Corridor

<sup>34</sup> Submission 607.38, supported by FS1097.561

<sup>35</sup> Submission 615.36, supported by FS1105.36 and FS1137.37

<sup>36</sup> Submission 635

<sup>37</sup> Further submission 1132

<sup>38</sup> Further submission 1301

.70	Insert new Rule requiring all buildings (as defined in PDP) plus some other structures and defined tree planting within 10m, and all earthworks over underground cables or within 20m, of the centreline of a Critical Electricity Line Corridor to obtain consent as a restricted discretionary activity
.71	Include a reference in all zones to the new rule sought in point 70
.86	Amend the Planning Maps to show the relevant portions of the Aurora network

44. Thus, the submission sought protection of the lines listed above by, in essence, requiring that all buildings and specified earthworks and tree planting within specified distances of “Critical Electricity Lines” be restricted discretionary activities. We note also, that submission point 42 sought that all subdivision within 32m of the centreline of Critical Electricity Line Corridors be a restricted discretionary activity. That submission point is dealt with in Report 7 – Subdivision.
45. We understood, from both Ms Dowd’s evidence<sup>39</sup> and answers to our questions, that the essential purpose was to enable Aurora to be notified of building, planting, earthworks or subdivision activity within the vicinity of these lines so it could ensure landowners or those undertaking works complied with the NZECP 34:2001.
46. In her submissions on behalf of Aurora, Ms Irving submitted that Aurora’s distribution network must be recognised in the PDP to implement the RPS<sup>40</sup>. In response to our questioning, Ms Irving submitted that the proposed RPS should be given more weight than the RPS.
47. The evidence of Ms Dowd, Delta Utility Services Limited<sup>41</sup> Network Policy Manager, dealt in large part with areas of disagreement she had with the rules proposed by Mr Barr in his Section 42A Report. Her conclusion was that the corridor protection measures sought would promote the sustainable management of natural and physical resources and assist Aurora in delivering a robust and reliable power distribution network to the District<sup>42</sup>. In her Summary of Evidence Ms Dowd explained that, while under the NZECP 34:2001 Aurora should be notified if a building is within the minimum safe distances, that does not always occur.
48. Mr Sullivan presented a group of photographs showing instances of buildings or trees located within the distances required by NZECP 34:2001. Unfortunately, no location information was provided with the photographs. However, our knowledge of the area enabled us to identify four photographs as being of commercial buildings in Brownston Street, Wanaka and the date on one of the photographs indicated they were taken in 2008. It was also apparent that several of the photographs related to properties in Central Otago District.
49. Neither Ms Dowd nor Mr Sullivan were able to assist with indicating the actual extent of the problem in Queenstown Lakes District.
50. In his Section 42A report, Mr Barr accepted the approach sought by Aurora, but did not propose its implementation in a manner consistent with that sought by Aurora. In his reply

<sup>39</sup> Joanne Dowd, EiC, paragraph 13

<sup>40</sup> Legal submissions, paragraph 12.

<sup>41</sup> We understand that Delta Utility Services Ltd, a sister company to Aurora, maintains and manages the Aurora network

<sup>42</sup> Joanne Dowd, EiC, paragraph 69

statement, Mr Barr in large part reaffirmed this view. His differences with Aurora at that point related to the setback distances to be applied in the rule.

51. Two further submissions were lodged on Aurora's submission. That by Transpower was concerned that terminology used in any rule be distinct from that used in the NPSET 2008 and NESET 2009. Ms McLeod, when appearing for Transpower, suggested that distribution line was a better term than sub-transmission line. She also noted that the restrictions sought by Aurora were greater than those applied in respect of the National Grid. Mr Renton, also appearing for Transpower, suggested to us that there had been no demonstration of need for the yard and corridor widths Aurora sought given the nature of the lines used on the Aurora network as compared to those on the National Grid.
52. The further submission lodged by Federated Farmers opposed Aurora's submission in large part. Federated Farmers agreed that there could be a definition of Electricity Distribution, and that an advisory note could be included in the PDP noting that compliance with NZECP 34:2001 is mandatory for buildings, earthworks and when using machinery in close proximity to the electricity distribution network. However, Federated Farmers considered it inappropriate for the PDP to police the NZECP 34:2001 when dealing with local lines. Mr Cooper, Senior Policy analyst at Federated Farmers, tabled evidence in support of this further submission, but was not able to appear due to medical reasons<sup>43</sup>.
53. In considering this issue, we start by analysing what is actually being sought by Aurora. Aurora has a number of lines passing over, or under in the case of cabled portions, private land. Some of these lines are located within road reserve. We were not provided with a breakdown of the proportions within each category, nor how much was on public reserve land. Ms Dowd did advise us that the network Aurora was seeking these provisions apply to amounts to 263 kilometres of overhead lines and 9 kilometres of underground lines<sup>44</sup>. We received no information as to whether the underground lines referred to were within road reserves or within private property.
54. As we read the rule proposed, the corridor setback requirements would apply whether or not the relevant line was on road reserve, other reserve, or private land. Thus, owners and occupiers of land adjoining a road reserve or other site which contained a line would be affected by the rules to extent that part of their land lay within the 10m, 20m or 32m restriction area. Neither Ms Dowd nor Mr Barr undertook any analysis of how many properties would be affected by the proposed rules.
55. Aurora's position was that the restrictions are imposed by the NZECP 34:2001 so no additional burden is being imposed on the land owner. However, that is not entirely correct. The obligation to obtain a resource consent imposes a financial cost on the applicant, even if only for the Council's processing fees. If Ms Dowd is correct that the process would enable input by Aurora on such proposals<sup>45</sup>, the expectation must be that such applications would be notified in some form. Our understanding is that the costs to the applicant could be substantial just to commence such a process. Unless the Council's fees cover 100% of the processing costs, the Council will also have a financial cost imposed.
56. The purpose of the provisions Aurora propose are, as was explained to us by Ms Dowd and Mr Sullivan, to protect the network from activities that could lead to power outages, and to ensure

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<sup>43</sup> Explained in an email to the Hearing Panel on 13 September 2016

<sup>44</sup> Joanne Dowd, Summary of Evidence, paragraph 3.7

<sup>45</sup> Joanne Dowd, Evidence in Chief, paragraph 13



access remains available for ongoing maintenance. We understood there also to be an element of public safety by ensuring people could not come within such a distance that electricity would arc from the lines on them. These are not matters which come within the definition of reverse sensitivity, which appeared to be the justification Ms Dowd<sup>46</sup> and Mr Barr<sup>47</sup> had for their conclusions that some provision should be made. Our understanding is that a reverse sensitivity effect arises when a new activity seeks changes to an existing activity by reason of its adverse effects.

57. Ms Irving confirmed that Aurora is a requiring authority. She advised that Aurora steered away from using its requiring authority powers to protect its infrastructure as it would trigger the Public Works Act and landowners could seek acquisition or some other compensation. We took from this answer that a subsidiary purpose of the Aurora submission was to have controls in place to protect its infrastructure that, under s.85 of the Act, would not create any liability for compensation.
58. The purpose of the PDP is to assist the Council in carrying out its functions in order to achieve the purpose of the Act<sup>48</sup>. The Act recognises that there are certain infrastructure activities, often, as in this case, undertaken by private companies, that are important for the wellbeing of the community by providing, in Part 8, the ability of those infrastructure providers to become requiring authorities and to impose their own mechanisms in a district plan to protect their infrastructure. Neither Ms Dowd nor Mr Barr addressed this option in coming to their conclusions. Nor did they address whether it should be the Council's function to, as Federated Farmers put it, police the NZECP 34:2001 for Aurora. It is not within the Council's functions to administer NZECP 34:2001.
59. We were referred to the proposed RPS as supporting Aurora's submission. The relevant policy<sup>49</sup> appears to be 4.4.5:
- Protect electricity distribution infrastructure by all of the following:*
- a. Recognising the functional needs of electricity distribution activities;*
  - b. Restricting the establishment of activities that may result in reverse sensitivity effects;*
  - c. Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure;*
  - d. Protecting existing distribution corridors for infrastructure needs, now and for the future.*
60. The implementation method for district plans is Method 4.1, with no further specificity. We understand that both the policy and Method 4.1 are under appeal. Thus we cannot be certain of the final wording or either. This goes to the weight that can be given these provisions. However, we do not see that Policy 4.4.5 could not be given affect to by the relevant territorial authority recommending that a notice of requirement lodged by Aurora be confirmed. It is not apparent that the policy direction intended by the proposed RPS is that the only method of implementation is that district councils implement rules so as to enable Aurora to be aware of activities that may breach NZECP 34:2001.
61. On this last point, we are not certain that the objective, policy and rule framework proposed by Aurora achieves the outcome of increasing its awareness of such activities. The discretion

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<sup>46</sup> Joanne Dowd, Evidence in Chief, paragraph 48

<sup>47</sup> Section 42A Report, paragraph 8.7

<sup>48</sup> Section 72

<sup>49</sup> As the hearing predated the ORC releasing its decisions on the proposed RPS, Ms Irving's submissions referred to the notified version.

as to notification lies with the Council<sup>50</sup>. More certainty would be provided to Aurora by the application of s.176(1)(b) if the provisions were included in the PDP by way of a notice of requirement. In addition, any person requiring the approval of Aurora under that section would not be subject to the regulatory charges required for a resource consent. Thus, that method is more efficient for both Aurora and the landowners involved.

62. There is also a question as to whether the proposed rule provides any benefit to an applicant. While it is clearly within the powers of the Council to grant consent to a restricted discretionary activity, it appears that the provisions of NZECP 34:2001<sup>51</sup> are such that holding such a consent would not necessarily allow the relevant work to proceed.
63. Finally, we have a concern that if the Council were to accede to Aurora's request, it would be imposing restrictions on a large number of landowners who may not have been aware that Aurora's submission could directly affect their use of their land. While the proposed objectives, policies and rules were clearly summarised, the extent of the land which could be affected by such provisions was not explicitly set out in the summary<sup>52</sup>. The summary refers to the maps attached to the submission, but those maps are not of such a scale as to clearly show every site potentially affected. As we noted above, affected land includes land adjoining land on which lines are located as well as land on which they are located. We understood that no attempt was made by Aurora to advise potentially affected landowners of the submission. One of the benefits of the notice of requirement method is that each affected landowner is directly notified.
64. Having considered the proposed provisions in terms of s.32AA, we conclude there is a practical alternative method available to Aurora which is both more effective and more efficient than the provisions proposed in the submission. We are also not satisfied that the Council has any need to ensure that NZECP 34:2001 is complied with – it is not one of its functions.
65. Thus, we recommend that those parts of Aurora's submission seeking the inclusion of objectives, policies and rules directed to imposing resource consent requirements within set distances of Aurora's lines or cables should be rejected.
66. We do, however, consider that Aurora's concerns can be addressed by improving the information in the PDP. Section 30.3.2.3 advises readers that NZECP 34:2001 is applicable. We consider that, if this was supplemented by showing the relevant overhead lines portion of the Aurora network, as shown in Annexure 2 to Submission 635, on the Planning Maps, landowners would have increased awareness of their obligations. When we raised this option with Ms Irving at the hearing she conceded this would go some way achieving Aurora's goal, but that it would prefer rules.
67. We will deal with other parts of Aurora's submission in discussion of the detailed PDP provisions below.

### 2.3. Section 30.1 - Purpose

68. This section notes the strategic importance of energy and utilities. Subsection 30.1.1 explains the value of energy, and section 30.1.2 sets out the value of utilities.

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<sup>50</sup> Section 95A, or s.95E if limited notification.

<sup>51</sup> The Introduction to the Code states: "*Compliance with this Code is mandatory.*"

<sup>52</sup> See Submission Point 635.86 summarised on pages 1332 and 1333 of the summary

69. Section 30.1 was supported by one submitter<sup>53</sup> and a second submitter sought an amendment to refer to electricity transmission<sup>54</sup>. We agree with Mr Barr that there is no need to amend this opening sentence. Electricity transmission clearly falls within the term “essential infrastructure”.
70. A number of submitters sought amendments to section 30.1.1 to emphasise aspects of design that could enhance energy efficiency<sup>55</sup>. We are of the view that these suggested amendments add little to what is essentially an explanatory section. We do not recommend any changes to section 30.1.1.
71. One submission<sup>56</sup> supported section 30.1.2 as notified. Transpower<sup>57</sup> and PowerNet Ltd<sup>58</sup> each sought non-substantive amendments to the wording of this section. We agree with the further submissions by Contact Energy Ltd that the amendments proposed are, respectively, too specific or add nothing to the section. Mr Barr recommended a minor grammatical amendment to the discussion of reverse sensitivity effects. We agree with that amendment and recommend it be made as a minor change in accordance with Clause 16(2).

### 3. SECTION 30.2 - OBJECTIVES AND POLICIES

#### 3.1. Objective 30.2.1 and Policies 30.2.1.1 and 30.2.1.2

72. As notified, these read:

*30.2.1 The benefits of the District’s renewable and non-renewable energy resources and the electricity generation facilities that utilise such resources are recognised as locally, regionally and nationally important in the sustainable management of the District’s resources.*

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

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

73. There were no submissions on this objective and the ensuing policies. In his Section 42A Report Mr Barr raised concerns that the objective and Policy 30.2.1.2 were problematic as they indicated non-renewable energy resources and generation were equally as important as renewable energy resources and generation, when the former were non-complying activities and the latter discretionary. He rightly conceded that there was no jurisdiction available to correct that inconsistency. That is a matter the Council would have to deal with by way of variation.

74. We have two concerns with the objective as notified. Firstly, similar to Mr Barr’s concern, we consider the objective inappropriately focusses on the benefits of utilising non-renewable

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<sup>53</sup> Submission 238.117. Nine further submissions opposed submission 238 but did not appear to oppose this specific point.

<sup>54</sup> Submission 805.69, supported by FS1159.5 and opposed by FS1132.65

<sup>55</sup> Submissions 115.6, 230.6, 238.11, 383.59, 238.118

<sup>56</sup> Submission 719.147, supported by FS1186.8

<sup>57</sup> Submission 805.70, supported by FS1211.32 and opposed by FS1186.11

<sup>58</sup> Submission 251.11, supported by FS1097.89, opposed by FS1186.1 and FS1132.16

energy resources in the District when there is no evidence that such resources exist in the District, and if such resources did exist, the utilisation of them could be inconsistent with the Strategic objectives and policies in Chapters 3 and 6.

75. Our second concern is more one of style. As written, this is not an objective as it does not express an environmental outcome. We consider that this can be remedied as a minor grammatical change in accordance with Clause 16(2) of the First Schedule.
76. We recommend the Council reconsider this objective and the associated policies taking into account the concerns we and Mr Barr have expressed and institute a variation to replace them with more appropriate objective(s) and policies. In the meantime, we recommend the Council make a minor change under Clause 16(2) to objective 30.2.1 so that it reads:

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

### 3.2. Objective 30.2.2 and Policies 30.2.2.1 and 30.2.2.2

77. As notified, these read:

30.2.2 *Recognise that the use and development of renewable energy resources have the following benefits:*

- *Maintain or enhance electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions*
- *Maintain or enhance the security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation*
- *Assist in meeting international climate change obligations*
- *Reduce reliance on imported fuels for the purpose of generating electricity*
- *Help with community resilience through development of local energy resources and networks.*

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

- *Recognises the need to locate renewable electricity generation activities where the renewable electricity resources are available*
- *Recognises logistical and technical practicalities associated with renewable electricity generation activities*
- *Provides for research and exploratory-scale investigations into existing and emerging renewable electricity generation technologies and methods.*

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

78. Again, there were no submissions on this objective or the ensuing policies, and again Mr Barr expressed concerns with them in his Section 42A report. We agree with Mr Barr that they could be improved by including reference to the need to achieve the higher order Strategic Direction objectives and policies in Chapters 3 and 6. We note in particular that Policy 30.2.2.1 appears to be contrary to a number of policies in Chapters 3 and 6, such as 3.3.25, 3.3.30, 3.3.32-35 inclusive, 6.3.15, 6.3.1, 6.3.18, 6.3.24, 6.3.25.

79. We also have concerns that the introductory section of Objective 30.2.2 is again focused on recognising something, rather than expressing an environmental outcome. We are satisfied that can be corrected as a minor grammatical change under Clause 16(2).
80. We recommend the Council reconsider this objective and the ensuing policies to ensure they are consistent with, and give effect to both the NPSREG and the Strategic Objectives and Policies in Chapters 3, 5 and 6. In the interim, we recommend Objective 30.2.2 be rephrased utilising Clause 16(2) to read:

*The use and development of renewable energy resources achieves the following:*

- a. *It maintains or enhances electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;*
- b. *It maintains or enhances the security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;*
- c. *It assists in meeting international climate change obligations;*
- d. *It reduces reliance on imported fuels for the purpose of generating electricity;*
- e. *It helps with community resilience through development of local energy resources and networks.*

### 3.3. Objective 30.2.3 and Policies

81. As notified these read:

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

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

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

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

30.2.3.4 *Assess the effects of Renewable Electricity Generation proposals, other than Small and Community Scale, on a case-by-case basis, with regards to:*

- *landscape values and areas with significant indigenous flora or fauna*
- *recreation and cultural values, including relationships with tangata whenua*
- *amenity values*
- *The extent of public benefit and outcomes of location specific cost-benefit analysis.*

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

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

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

82. The objective<sup>59</sup> and Policy 30.2.3.7<sup>60</sup> received submissions in support. The only submissions seeking to amend the provisions were those by the DoC in respect of Policy 30.2.3.4<sup>61</sup> and Policy 30.2.3.6<sup>62</sup>. The amendment sought to Policy 30.2.3.4 sought that the first bullet point reference “significant habitat” for indigenous fauna, consistent with the wording in section 6(c) of the Act. The amendment sought to Policy 30.2.3.6 was to make it consistent with the approach taken by the DoC on Chapter 33.
83. Mr Barr agreed with the DoC’s proposed amendment to Policy 30.2.4, and we agree that such wording is necessary for consistency and because, although indigenous fauna are natural resources, the PDP can only control the habitat of such fauna, not the fauna themselves. Mr Barr also recommended deleting “on a case by case basis” from this policy, although did not provide reasons. We are satisfied that the words are unnecessary in the policy, as assessment is always taken on a case by case basis. We recommend the words be removed as a minor correction under Clause 16(2).
84. Although Mr Barr recommended a minor amendment to Policy 30.2.3.6 in response to the DoC’s submission, he did not discuss the reasoning for this in his Section 42A report. In our view, the policy as notified encompasses the possibility of environmental compensation being used to compensate for a wider range of effects than just effects on indigenous biodiversity (which the DoC submission was focussed on). The inclusion of the reference to biodiversity offsets, as recommended by Mr Barr, does, in our view, link this policy to the provisions in Chapter 33 (which apply in addition to this Chapter where energy resources are to be developed). In addition, we have changed the term shall to must for clarity purposes. We consider that change to be a minor grammatical change under Clause 16(2).
85. Consequently, we recommend that Policies 30.2.3.4 and 30.2.3.6 read as follows:

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

- a. landscape values and areas of significant indigenous flora or significant habitats of indigenous fauna;*
- b. recreation and cultural values, including relationships with tangata whenua*
- c. amenity values;*
- d. The extent of public benefit and outcomes of location specific cost-benefit analysis.*

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

#### **3.4. Objective 30.2.4 and Policies**

86. As notified, these read:

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<sup>59</sup> Submission 580  
<sup>60</sup> Submission 635  
<sup>61</sup> Submission 373.16  
<sup>62</sup> Submission 373.17

**Objective** *Site layout and building design takes into consideration energy efficiency and conservation.*

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

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

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

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

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

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

87. The submissions on these ranged from support<sup>63</sup> to support with amendments. NZTA<sup>64</sup> sought to extend the effect of the objective to include the location of land use development, and to amend Policy 30.2.4.5 to achieve integration of land use and transport planning. QPL<sup>65</sup> sought to widen the ambit of Policy 30.2.4.5 to give emphasis to public transport, including water taxis and QPL's gondola proposal. Submitter 126 sought that amendments be made so that the location of trees were controlled to avoid shading neighbouring properties.

88. In his Section 42A Report, Mr Barr recommended no changes to this objective and the ensuing policies. In his reply statement, he responded to our questioning during the hearing by recommending a minor change to the objective to make it clear that it was both subdivision layout and site layout that should take into account energy efficiency and conservation.

89. We agree with Mr Barr that the minor word changes to the objective clarifies the outcome sought, and that the outcome was previously implicit given the wording of Policy 30.2.4.2. We do not consider any of the amendments sought by submitters are necessary. The changes sought to the objective would not assist the Council in achieving its functions under the Act. The changes sought to Policy 30.2.4.5 would be more appropriately dealt with in the Transportation Chapter of the PDP. None of them would give effect to the objective.

90. Consequently, the only amendment we recommend is to Objective 30.2.4 so that it reads:

*Subdivision layout, site layout and building design takes into consideration energy efficiency and conservation.*

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<sup>63</sup> Submission 290

<sup>64</sup> Submission 719 supported by FS1186 and FS1097

<sup>65</sup> Submission 806

3.5. Objective 30.2.5 and Policies

91. As notified these read:

**Objective** *Co-ordinate the provision of utilities as necessary to support the growth and development of the District.*

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

30.2.5.2 *Ensure the efficient management of solid waste by:*

- *encouraging methods of waste minimisation and reduction such as re-use and recycling*
- *providing landfill sites with the capacity to cater for the present and future disposal of solid waste*
- *assessing trends in solid waste*
- *identifying solid waste sites for future needs*
- *consideration of technologies or methods to improve operational efficiency and sustainability (including the potential use of landfill gas as an energy source)*
- *providing for the appropriate re-use of decommissioned landfill sites.*

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

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

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

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

92. Although six submitters supported the objective<sup>66</sup>, each of them sought amendments to it. As notified, the objective read as if it were a policy – it proposed an action rather than an outcome. The amendment proposed by the Telecommunication Companies<sup>67</sup> overcame that problem and was largely supported by Mr Barr in his Section 42A Report. The amendments proposed by PowerNet<sup>68</sup> and Transpower<sup>69</sup> suffered from proposing an alternative action rather than an outcome. Mr Barr’s recommended changes were supported by Mr McCallum-Clark<sup>70</sup>.

93. We agree with Mr Barr’s wording, which achieves the outcome sought by the Telecommunication Companies – a clear outcome that the ensuing policies can give effect to. We recommend objective 30.2.5 read:

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<sup>66</sup> Submissions 179, 191 and 781 (each supported by FS1097), Submission 251 (supported by FS 1186 and FS1097), Submission 805 (supported by FS1186), and Submission 421

<sup>67</sup> Submissions 179, 191, 421 and 781

<sup>68</sup> Submission 251

<sup>69</sup> Submission 805

<sup>70</sup> Mathew McCallum-Clark, EiC, paragraph 19



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

94. The only amendment<sup>71</sup> sought to Policy 30.2.5.1 was the deletion of the word “essential” at the commencement of the policy, on the basis that essential utilities were not defined, and the objective applies to all utilities. Mr Barr also suggested the deletion of “and activities commencing” from the end of the policy. However, he provided no reasoning for this and we can find no basis for such a change in the submissions. We accept that the word “essential” should be deleted from the policy, but otherwise leave it unchanged.
95. Submissions 179, 191 and 781 supported Policy 30.2.5.3 and sought that it be retained unaltered. Two submissions<sup>72</sup> sought amendments to this policy. The amendment sought by Submission 805, which sought the inclusion of statements about protecting utility corridors, was opposed by FS1159 on the basis that it could lead to the policy only applying to utilities that had specified corridors. FS1186 supported submission 805 but sought a different policy wording.
96. Mr Barr did not recommend any amendments to this policy. Ms McLeod considered that the amendments sought by Transpower were no longer necessary, subject to Policy 30.2.6.4 being amended<sup>73</sup>. We agree with Mr Barr’s approach. The policy does not need additional wording of the type sought by submitters to implement the objective.
97. Mr Barr recommended the deletion of Policy 30.2.5.4<sup>74</sup>, but we are unable to find any submissions seeking its deletion, although Mr McCallum-Clark appeared to support this course of action<sup>75</sup>. We are also unable to find any reasons in the Section 42A Report for the deletion. Having considered the policy, we can see that it may not be directed to implementing the objective, but is more an internal matter for utility providers, including the Council in that role. We agree with Mr Barr that it should be deleted, but consider, that in the absence of submissions seeking its deletion, that can only be achieved by the Council initiating a variation to that end.
98. The Telecommunication Companies<sup>76</sup> sought the inclusion of an additional policy to identify the positive contribution utilities make to the cultural, social and economic wellbeing of society. Mr Barr recommended acceptance of this submission, with an amendment to the introductory words<sup>77</sup>. We agree that the policy proposed (Reply Version) identifies the benefits of utilities to society within the context of managing the effects of utilities on the environment. However, we consider that this policy is misplaced under Objective 30.2.5. We consider it is more directed to implementing Objective 30.2.6 and we recommend it be located as Policy 30.2.6.3 (with subsequent policies being renumbered).
99. In summary, we recommend the rewording of Objective 30.2.5 as set out above, and other than the deletion of “Essential” from Policy 30.2.5.1, we recommend no changes to the policies under Objective 30.2.5.

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<sup>71</sup> By submissions 179, 191 and 781

<sup>72</sup> Submissions 635 and 805

<sup>73</sup> Ainsley McLeod, EiC, paragraph 32(a)

<sup>74</sup> Section 42A Report, Appendix 1

<sup>75</sup> Matthew McCallum-Clark, EiC, paragraph 19

<sup>76</sup> Submissions 179, 191 and 781, supported by FS1121

<sup>77</sup> The amendment was included in the Reply Version.

### 3.6. Objective 30.2.6 and Policies

100. As notified these read:

**Objective** *The establishment, efficient use and maintenance of utilities necessary for the well-being of the community.*

30.2.6.1 *Recognise the need for maintenance or upgrading of a utility to ensure its on-going viability and efficiency.*

30.2.6.2 *Consider long term options and economic costs and strategic needs when considering alternative locations, sites or methods for the establishment or alteration of a utility.*

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

30.2.6.4 *Provide for the sustainable, secure and efficient use and development of the electricity transmission network, including within the transmission line corridor, and to protect activities from the adverse effects of the electricity transmission network, including by:*

- *Controlling the proximity of buildings, structures and vegetation to existing transmission corridors*
- *Discouraging sensitive activities from locating within or near to the electricity transmission National Grid Yard to minimise potential reverse sensitivity effects on the transmission network*
- *Managing subdivision within or near to electricity transmission corridors to achieve the outcomes of this policy to facilitate good amenity and urban design outcomes*
- *Not compromising the operation or maintenance options or, to the extent practicable, the carrying out of routine and planned upgrade works.*

30.2.6.5 *Recognise the presence and function of established network utilities, and their locational and operational requirements, by managing land use, development and/or subdivision in locations which could compromise their safe and efficient operation.*

101. One submission supported this objective<sup>78</sup>, while five sought various amendments<sup>79</sup>. The amendments generally sought that the objective identify that the continued operation and maintenance of utilities supported or enabled community well-being. Mr Barr supported these in a general sense in his Section 42A Report and recommended a hybrid of the versions sought by the submitters. Mr McCallum-Clark supported Mr Barr's recommended amendments<sup>80</sup>.

102. The concern we have with Mr Barr's proposed wording is that it is unclear what the outcome relates to – community well-being, or the establishment, operation and maintenance of utilities to support community well-being. Given the policies designed to implement the objective, we consider it must be the latter outcome that is sought. To achieve this, we recommend that the objective be rephrased to read:

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<sup>78</sup> Submission 600

<sup>79</sup> Submissions 179, 191 (supported by FS1121), 421, 781 and 805 (supported by FS1186)

<sup>80</sup> Matthew McCallum-Clark, EiC, paragraph 19

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

103. Two submissions supported Policy 30.2.6.1<sup>81</sup>, one submission sought its amendment<sup>82</sup>, three submissions sought its replacement<sup>83</sup>, and one sought its deletion<sup>84</sup>. The amendments sought recognition of regionally significant infrastructure, and provision that maintenance and upgrading was cognisant of environmental constraints. Mr Barr proposed an amendment to include reference to regionally significant infrastructure. In Ms McLeod's view, the amendments sought by Transpower were unnecessary if amended Policy 30.2.6.4 was accepted<sup>85</sup>.

104. This Chapter sits under the Strategic Directions Chapters (3, 4, 5 and 6). The objectives and policies contained within those chapters emphasise the importance of protecting outstanding natural landscapes and features from more than minor adverse effects on key values, and the importance of retaining rural character in other rural areas, and seeking high amenity values in urban areas. Objectives and policies in this chapter are to be read as achieving those strategic outcomes. In addition, in proposing this wording, we have had regard to Policy 4.3.3 of the proposed RPS. The submissions of the Telecommunication Companies seek changes which come closest to reflecting those outcomes. We also note that we generally do not consider policies which merely require recognition of something to be an effective means of implementing an objective. For those reasons, we recommend that Policy 30.2.6.1 read:

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

105. A submission by the Council<sup>86</sup> sought the correction of a typographical error in Policy 30.2.6.2 by replacing the word "options" with "operational". Federated Farmers<sup>87</sup> sought that the economic costs of activities adversely effected be included in the policy. Transpower<sup>88</sup> sought the replacement of this policy with one the submitter contended would better give effect to the NPSET 2008.

106. Mr Barr accepted the amendment proposed by Transpower in his Section 42A report, and in her evidence Ms McLeod supported him for the reasons set out in the Transpower submission<sup>89</sup>. In his reply version, Mr Barr recommended some grammatical changes to avoid repetition and tense changes. Subject to a further minor grammatical change, we accept the amendments to this policy for the reasons given by Ms McLeod. We recommend the policy read:

*30.2.6.2 When considering the effects of proposed utility developments, consideration must be given to alternatives, and also to how adverse effects*

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<sup>81</sup> Submissions 251 (supported by FS1186) and 635

<sup>82</sup> Submission 805, opposed by FS1186

<sup>83</sup> Submissions 179, 191 and 781, opposed by FS1132 and FS1097

<sup>84</sup> Submission 421

<sup>85</sup> Ainsley McLeod, EiC, paragraph 32(b)

<sup>86</sup> Submission 383

<sup>87</sup> Submission 600, supported by FS1209, opposed by FS1121 and FS1034

<sup>88</sup> Submission 805, opposed by FS1186

<sup>89</sup> Ainsley McLeod, EiC, paragraph 32(c)

*will be managed through the route, site and method selection process, while taking into account the locational, technical and operational requirements of the utility and the benefits associated with the utility.*

107. In paragraph 97 we recommended that a policy proposed under Objective 30.2.5 be located under this policy. We recommend the inserted policy read:

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

- a. enabling enhancement of the quality of life and standard of living for people and communities;*
- b. providing for public health and safety;*
- c. enabling the functioning of businesses;*
- d. enabling economic growth;*
- e. enabling growth and development;*
- f. protecting and enhancing the environment;*
- g. enabling the transportation of freight, goods, people;*
- h. enabling interaction and communication.*

108. The only submissions<sup>90</sup> on Policy 30.2.6.3 sought that it be retained. We recommend that be remain unaltered save for renumbering to 30.2.6.4.

109. One submission<sup>91</sup> sought that policy 30.2.6.4 be retained. Three submissions sought its amendment. Federated Farmers<sup>92</sup> supported the policy subject to it being confined to referencing the National Grid. Transpower<sup>93</sup>, while supporting the intent of the policy, sought its replacement with an objective and policy aiming to avoid the establishment of activities that could adversely affect the National Grid. Aurora's submission<sup>94</sup> sought amendments consistent with its overall approach of obtaining provisions in the PDP to protect its network.

110. Mr Barr recommended some changes to this policy and its relocation under a new objective proposed by Transpower. Ms McLeod<sup>95</sup> recognised that Mr Barr's amendments went some way to achieving the goal of Transpower's submission, but recommended further changes, particularly to give effect to the NPSET 2008, and having regard to policies in the proposed RPS (notified version). In his reply statement, Mr Barr largely agreed with the policy wording of Ms McLeod as being the most effective way of implementing the proposed Transpower objective (see below – new Objective 30.2.8), subject to an additional clause to support a setback rule protecting the Frankton Substation. This was in response to the description of the potential for electrical hazards around the Frankton Substation described to us by Mr Renton<sup>96</sup>.

111. We have set out above the reasons we do not accept Aurora's submission in respect of protecting its network.

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<sup>90</sup> Submissions, 179, 191, 421 and 781

<sup>91</sup> Submission 251

<sup>92</sup> Submission 600, supported by FS1209, opposed by FS1034 and FS1159

<sup>93</sup> Submission 805, opposed by FS1132

<sup>94</sup> Submission 635, opposed by FS1132 and FS1301

<sup>95</sup> Ainsley McLeod, EiC, paragraph 32(e)

<sup>96</sup> Andrew Renton, EiC, paragraphs 55-77

112. In addition to ensuring the PDP gives effect to the NPSET 2008, we have had regard to Policies 4.3.2, 4.3.4, 4.4.4 and 4.4.5 in the proposed RPS in concluding that the policy wording proposed by Mr Barr in his reply statement is appropriate, and that it be moved from under Objective 30.2.6 and located in association with an objective specifically oriented to the National Grid.
113. Three submissions<sup>97</sup> supported Policy 30.2.6.5 as notified. Transpower's submission<sup>98</sup> sought its amendment. Four submissions<sup>99</sup> sought the creation of two policies out of this policy.
114. Ms McLeod<sup>100</sup> advised in her evidence that she did not consider the amendments sought by Transpower were necessary if the proposed new policies 30.2.6.2 and 30.2.6.4 (albeit moved) were accepted. Mr Barr did not recommend any change to Policy 30.2.6.5.
115. The Telecommunication Companies' submission split the policy into two parts, as set out below

*Enable the functioning and enhancement of established network utilities, and their operational and upgrade requirements.*

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

116. The first part has essentially been provided for in our recommended Policy 30.2.6.1 set out above. We consider that, with some grammatical changes, the second part better expresses the point of notified Policy 30.2.6.5. As we read it, the policy is focused on managing other activities so as to minimising the potential for those other activities to compromise the operation of utilities. The Telecommunication Companies' submission almost captures that. We recommend the policy read:

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

117. Mr Barr recommended the inclusion of an additional policy under this objective to provide a policy basis for the rules he considered should be included to satisfy Aurora's submission regarding its distribution network. Given our conclusions above that the Aurora proposal should be rejected, we do not recommend the inclusion of this additional policy.

### 3.7. Objective 30.2.7 and Policies

118. As notified these read:

**Objective** *Avoid, remedy or mitigate the adverse effects of utilities on surrounding environments, particularly those in or on land of high landscape value, and within special character areas.*

**30.2.7.1** *Reduce adverse effects associated with utilities by:*

- *Avoiding or mitigating their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines*

<sup>97</sup> Submissions 251 (supported by FS186), 635 and 719 (supported by FS1186)

<sup>98</sup> Submission 805, supported by FS1186 and opposed by FS1132

<sup>99</sup> Submissions 179 (opposed by FS1132), 191 (opposed by FS1132), 421 and 781

<sup>100</sup> Ainsley McLeod, EiC, paragraph 32(f)

- *Encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment*
- *Ensuring that redundant utilities are removed*
- *Using landscaping and or colours and finishes to reduce visual effects*
- *Integrating utilities with the surrounding environment; whether that is a rural environment or existing built form.*

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

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

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

119. Three submissions supported this objective<sup>101</sup>, while four sought amendments to the objective<sup>102</sup>. The submissions seeking amendments sought primarily to include the words “where practicable” and to define the landscape areas and special character areas referred to as being defined in the PDP. In addition, the four Telecommunication Companies<sup>103</sup> sought the inclusion of an additional policy to read:

*Recognise that in some cases it might not be possible for utilities to avoid outstanding natural landscapes, outstanding natural features or identified special character areas and in those situations greater flexibility as to the way that adverse effects are managed may be appropriate.*

120. Mr Barr dealt with this matter in some detail in his Section 42A Report<sup>104</sup>. He also noted that PowerNet<sup>105</sup> sought amendments to Policy 30.2.7.1 to reflect that it may be difficult for utility providers to reduce the visual effects of their assets. Mr McCallum-Clark explained in his evidence<sup>106</sup> that the requested amendments provide an approach of focussing on the values and attributes of a sensitive environment and referred to provisions in other plans in Canterbury and the Bay of Plenty. He retained this view when he appeared before us<sup>107</sup>.

121. We have a number of concerns with Objective 30.2.7, both as notified and as recommended by Mr Barr. As has been noted in other Hearing Reports, we do not consider that adding “avoid, remedy or mitigate” to an objective or policy provides any guidance for decision-makers or other plan users. We also agree with the submitters that, if this objective is solely directed to areas of “high landscape value” then the objective should be clear that it is

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<sup>101</sup> Submissions 635, 781 and 806

<sup>102</sup> Submissions 179 (supported by FS1097), 191 (supported by FS1097), 421, 719 (supported by FS1160) and 805 (opposed by FS1186)

<sup>103</sup> Submissions 179, 191, 421 and 781

<sup>104</sup> Section 42A Hearing Report: Chapter 30 Energy and Utilities, Issue 4, pp 37-38

<sup>105</sup> Submission 251, supported by FS1186 and FS1097

<sup>106</sup> Matthew McCallum-Clark, EiC, paragraphs 20-23

<sup>107</sup> Matthew McCallum-Clark, Opening Statement and Summary of Evidence, 15 September 2017, paragraph 6

referring to the areas identified in the PDP as ONLs or ONFs. As notified, Policy 30.2.7.1 clarified that it was ONLs and ONFs that were being referred to.

122. The Hearing Panel for Stream 1B has recommended the following policies:

6.3.17 *Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.*

6.3.18 *In cases where it is demonstrated that regionally significant infrastructure cannot avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, avoid significant adverse effects and minimise other adverse effects on those landscapes and features.*

6.3.24 *Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.*

6.3.25 *In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.*

123. The objectives and policies in Chapter 30 need to give effect to those policies, noting that regionally significant infrastructure is a subset of utilities with a higher status than the generality of utilities.

124. Taking into account the policy direction of Chapter 6, and recognising that the policies under Objective 30.2.7 have the role of defining how it is to be achieved, we consider the objective can be simplified so as to express the overall outcome that is expected. We note that while the focus of the submitters was on the inclusion of the term “high landscape value”, the objective is actually directed to all environments in the District. We consider removing reference to a particular type of environment from the objective will make the outcome sought clearer. The policies are able to identify how it will be achieved in different environments. Consequently, we recommend it read:

30.2.7 *The adverse effects of utilities on the surrounding environment are avoided or minimised.*

125. Submissions on Policy 30.2.7.1 sought:

- a. *Insert “remedying” between “Avoiding” and “or mitigating” in the first bullet point;*<sup>108</sup>
- b. *Add “whilst having regard to their technical, operational and locational constraints and their benefits” at the end of the first bullet point;*<sup>109</sup>
- c. *Insert “where economically viable and technically feasible” at the end of the fifth bullet point;*<sup>110</sup>

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<sup>108</sup> Submissions 251 (supported by FS1186 and FS1097) and 519 (supported by FS1015, opposed by FS1097)

<sup>109</sup> Submission 805, supported by FS1186

<sup>110</sup> Submission 635

- d. *Change the fifth bullet point to read “In Outstanding Natural Landscapes and Outstanding Natural Features using landscaping and colours and finishes to remedy or mitigate visual effects where necessary”<sup>111</sup>; and*
  - e. *Delete the final bullet point<sup>112</sup>.*
126. Two of the Telecommunication Companies sought the retention of this policy, but the insertion of the additional policy quoted above<sup>113</sup>.
127. Mr Barr recommended changes to clarify the distinction between rural areas contained within ONLs and ONFs and other rural land in the first two bullet points, but no other changes.
128. In our view the changes sought by the submitters to emphasise locational constraints or economic factors in this policy overlooked the fact that such matters are covered in Policy 30.2.7.4. We do not consider it necessary for this policy to cover every matter of consideration under the objective. It is a combination of all the policies that achieve the outcome. We do agree with Mr Barr that the policy should clearly distinguish between how utilities are to be dealt with in ONLs and on ONFs versus other areas. We further consider the purpose of this policy is to identify how utilities are to be managed to achieve the objective. Thus Mr Barr’s suggested “Provide for utilities”<sup>114</sup> is unnecessary. We also take into account the policies from Chapter 6 discussed above. With further minor grammatical changes, we recommend the policy read:
- 30.2.7.1 Manage the adverse effects of utilities on the environment by:*
- a. *Avoiding their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines, and where avoidance is not practicable, avoid significant adverse effects and minimise other adverse effects on those sites, areas, landscapes or features;*
  - b. *Encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment;*
  - c. *Ensuring that redundant utilities are removed;*
  - d. *Using landscaping and or colours and finishes to reduce visual effects;*
  - e. *Integrating utilities with the surrounding environment; whether that is a rural environment or existing built form.*
129. There were five submissions in relation to Policy 30.2.7.2. Three sought amendments inserting wording that the undergrounding be efficient, effective and operationally feasible<sup>115</sup>. Two sought additional wording with the effect of requiring undergrounding be economically viable<sup>116</sup>. No specific evidence was provided in support of these amendments. Ms McLeod, in her evidence on behalf of Transpower<sup>117</sup>, suggested additional wording limiting the policy to new services in urban areas, although no changes were sought by Transpower.

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<sup>111</sup> Submission 251, supported by FS1186 and FS1097

<sup>112</sup> Submission 251, supported by FS1186 and FS1097

<sup>113</sup> Submissions 179, 191, both supported by FS1097 and FS1121

<sup>114</sup> In his Reply version of the policy

<sup>115</sup> Submissions 179, 191 and 781

<sup>116</sup> Submissions 251 (opposed by FS1186) and 635

<sup>117</sup> Ainslie McLeod, EiC, paragraph 33



130. We consider it entirely appropriate that areas of new development have utility services provided underground, except where it is technically not feasible. If we had jurisdiction to make the changes suggested by Ms McLeod, we would not make them as we do not consider undergrounding should be limited to new services, nor to urban areas. Underground reticulation can be appropriate in many parts of the District. We recommend the policy remain as notified.
131. One submission supported Policy 30.2.7.3 unaltered<sup>118</sup>. Aurora<sup>119</sup> sought it be limited to residential zones, and Transpower<sup>120</sup> sought it be limited to reticulated lines so that it did not apply to the National Grid. Although not directly related to this policy, the submission of John Walker<sup>121</sup> seeking a policy requiring the progressive undergrounding of reticulated services in Wanaka can be discussed in conjunction with Policy 30.2.7.3.
132. Ms McLeod briefly commented on this policy in her evidence<sup>122</sup>, suggesting the amendments proposed would be beneficial, but did note that the NPSET 2008 does not require the undergrounding of the National Grid. Mr Walker appeared in person and spoke to his submission. Mr Barr did not comment on it specifically and recommended no changes to the policy.
133. The policy is that the Council will encourage undergrounding. We do not see any reason to limit the areas the Council may prioritise for such encouragement. While we have sympathy for the views expressed by Mr Walker, we consider the policy as expressed is the most appropriate given the Council's functions under the Act. We recommend the policy remain as notified.
134. Five submissions supported Policy 30.2.7.4 and sought its retention<sup>123</sup>. Transpower<sup>124</sup> sought additional wording such that locational and technical requirements be considered, and that the policy refer to network utilities. No evidence was presented in support of this submission.
135. We are satisfied that, when read in conjunction with the other policies under Objective 30.2.7, the wording as notified is appropriate. We recommend the policy remain as notified.

### 3.8. Additional Objectives and Policies Sought

136. NZIA sought an objective and policies aimed at reducing energy use<sup>125</sup>. No evidence was presented in support of this submission. We do note, however, that the policies sought seeking a compact urban form and the application of urban growth boundaries have been provided in other chapters. We do not recommend the inclusion of the objective and policies sought in this submission.
137. Transpower<sup>126</sup> sought the inclusion of a new objective and policy specifically related to its operation of the National Grid. Mr Barr did not specifically deal with this in his Section 42A

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<sup>118</sup> Submission 251

<sup>119</sup> Submission 635

<sup>120</sup> Submission 805

<sup>121</sup> Submission 292, opposed by FS1106, FS1208 and FS1253

<sup>122</sup> Ainsley McLeod, EiC, paragraph 32(h)

<sup>123</sup> Submissions 179, 191, 251, 635 and 781

<sup>124</sup> Submission 805

<sup>125</sup> Submission 238, opposed by FS1157, FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

<sup>126</sup> Submission 805

Report. Ms McLeod<sup>127</sup> proposed the inclusion of two new objectives and further amendments to the amended Policy 30.2.6.4 recommended by Mr Barr<sup>128</sup>. It was Ms McLeod's evidence that these additional policies and the amendments she proposed were necessary to give effect to the NPSET 2008.

138. In his reply statement, Mr Barr largely agreed with Ms McLeod's proposals and recommended an amended objective (Objective 30.2.8) and recommended moving Policy 30.2.6.4, largely as suggested by Ms McLeod to sit under that new objective. In his view, the new objective was the most appropriate way to give effect to the NPSET 2008 Objective 5<sup>129</sup>.

139. We agree with and accept the reasoning of Ms McLeod and Mr Barr. We have recommended in paragraph 111 above that notified policy 30.2.6.4 be amended and moved to be located under this objective. We do, however, consider both the objective and the policy need further modification. As recommended, the objective in part reads like a policy, and the policy unnecessarily repeats part of the objective and is grammatically too complicated.

140. We recommend the objective and policy read as follows:

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

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

- a. only allowing buildings, structures and earthworks in the National Grid Yard where they will not compromise the operation, maintenance, upgrade and development of the National Grid;*
- b. avoiding Sensitive Activities within the National Grid Yard;*
- c. managing potential electrical hazards and the adverse effects of buildings, structures and Sensitive Activities on the operation, maintenance, upgrade and development of the Frankton Substation;*
- d. managing subdivision within the National Grid corridor so as to facilitate good amenity and urban design outcomes.*

141. PowerNet<sup>130</sup> sought the inclusion of a new policy under Objective 30.2.6 which would read:

*Provide for the sustainable development, use, upgrading and maintenance of electricity distribution networks, including lines, transformers, substations and switching stations and ancillary buildings.*

142. Mr Barr did not address this submission directly in his Section 42A Report, but he did recommend a modification to the objectives and policies in response to several submissions seeking modifications, including PowerNet's<sup>131</sup>. This policy was not addressed in Ms Justice's evidence.

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<sup>127</sup> Ainsley McLeod, EIC, paragraphs 27 and 33

<sup>128</sup> Section 42A Report, Appendix 1, page 30-5

<sup>129</sup> Reply of Craig Alan Barr, 22 September 2016, paragraph 9.3

<sup>130</sup> Submission 251, opposed by FS1132

<sup>131</sup> Craig Barr, Section 42A Report, Section 10

143. Our view is that Policy 30.2.6.1 with the wording we have recommended above achieves the same outcome as that expressed in PowerNet’s policy. The only difference is that Policy 30.2.6.1 relates to utilities in general, whereas the PowerNet proposal is directed solely to electricity distribution networks. We see no justification creating a semi-duplication specifically for electricity distribution networks and recommend that the submission be rejected.

### 3.9. Summary

144. We have set out in Appendix 1 the recommended objectives and policies. We note that two of the objectives we conclude need to be reconsidered by the Council and amended by variation, notwithstanding that we recommend minor amendments under Clause 16(2) to them.

145. In summary, in relation to the remaining objectives and policies, we regard the combination of objectives recommended as being the most appropriate way to achieve the purpose of the Act in this context, while giving effect to, and taking into account, the relevant higher order documents, the Strategic Direction Chapters and the alternatives open to us. The suggested new policies are, in our view, the most appropriate way to achieve those objectives.

## 4. SECTION 30.3 – OTHER PROVISIONS AND RULES

### 4.1. Section 30.3.1 – District Wide

146. There were no submissions on this section. We recommend that the references in it be amended to be consistent with the references in other chapters. We consider this to be a non-substantive change of minor effect as the material in the section is purely for information purposes. We have set out are recommended wording in Appendix 1.

### 4.2. Section 30.3.2 – National

147. As notified this section listed two relevant National Environmental Standards<sup>132</sup> and the NZECP 34:2001, along with a brief explanation of each.

148. Submissions sought:

- a. Amend to refer to the relationship between district plans and National Environmental Standards and update to ensure consistency with NESTF 2016<sup>133</sup>;
- b. Add reference to Electricity (Hazards from Trees) Regulations 2003<sup>134</sup>;
- c. Amend 30.3.2.1 to clarify that the provisions of NESETA 2009 prevail of the Plan rather than the chapter<sup>135</sup>;
- d. Include references to the National Grid in 30.3.2.3 and clarify that compliance with the PDP does not ensure compliance with NZECP 34:2001<sup>136</sup>;
- e. Retain 30.3.2.3 as notified<sup>137</sup>.

149. Mr Barr recommended the inclusion of an advice note concerning the Electricity (Hazards from Trees) Regulations and a minor change to the title of the section. Ms McLeod was the only

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<sup>132</sup> NESETA 2009 and NESTF 2016

<sup>133</sup> Submissions 179, 191, 421 and 781

<sup>134</sup> Submission 805

<sup>135</sup> Submission 805

<sup>136</sup> Submission 805

<sup>137</sup> Submissions 600 (opposed by FS1034, supported by FS1209) and 635

witness to comment on the redrafting and she considered any differences in wording from what was sought were immaterial<sup>138</sup>.

150. Our understanding is that the material contained in this section is information to assist readers of the Chapter. It does not contain rules under s.76 of the Act. In our view, that distinction should be made clear in the section title. We recommend the title be “Information on National Environmental Standards and Regulations”. In addition, numbering the provisions listed gives the appearance that they are Plan provisions. We recommend the provisions be listed using (a), (b), etc. We consider those to be minor changes with no regulatory effect that fall under Clause 16(2).
151. We agree that the provisions should be updated to reflect the NESTF 2016<sup>139</sup>. These regulations were made on 21 November 2016 after the date of the hearing. As the references are for information purposes we do not consider any person to be disadvantaged by the references being included without further hearing. Four submissions sought that the references be changed. No further submitters opposed those submissions.
152. Taking into account all the above and our earlier conclusions on the NZECP 34:2001, we recommend the section read:

*30.3.2 Information on National Environmental Standards and Regulations*

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

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

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

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

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

- i. cabinets in and outside of road reserve;*
- ii. antennas on existing and new poles in the road reserve;*
- iii. replacement, upgrading and co-location of existing poles and antennas outside the road reserve;*
- iv. new poles and antennas in rural areas;*
- v. antennas on buildings;*
- vi. small-cell units on existing structures;*
- vii. telecommunications lines (underground, on the ground and overhead) and facilities in natural hazard areas; and*
- viii. associated earthworks.*

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<sup>138</sup> Ainsley McLeod, EiC, paragraph 36

<sup>139</sup> The Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016

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

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

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

*c. New Zealand Electrical Code of Practice for Electrical Safe Distances Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP 34:2001”) is mandatory under the Electricity Act 1992. All activities regulated by the NZECP 34, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Compliance with this District Plan does not ensure compliance with NZECP 34.*

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

*d. Electricity (Hazards from Trees) Regulations 2003*

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

#### 4.3. Section 30.3.3 – Clarification

153. As in other chapters, this section contains a series of provisions establishing how the rules work, including which chapters have precedence over others.
154. There was only one submission on this section<sup>140</sup>. It sought the inclusion of an advice note regarding the planting of vegetation near electricity lines, which has been incorporated into 30.3.2(d), and the retention of the provision which gave utility rules priority over other rules.
155. Other than some minor non-substantive changes, the only amendment recommended by Mr Barr was to include a provision clarifying that Airport Activities in the Airport Mixed Use Zone (Chapter 17) prevail over the provisions of this chapter, in response to a legal submissions presented by Ms Wolt, counsel for QAC<sup>141</sup>.

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<sup>140</sup> Submission 805

<sup>141</sup> Legal Submissions for Queenstown Airport Corporation Limited, dated 9 September 2016, paragraphs 44-57

156. The concern of QAC was that the definition of utility included in Chapter 2 defined the term in such a way as to include airports. Chapter 17 included a specific set of rules relating to Queenstown Airport classifying many of the activities, which would fall within the definition of utility, as permitted. However, such activities could be classified as controlled or discretionary under Chapter 30. While there is an obvious inconsistency, the difficulty we face, as Ms Wolt conceded, is there is no submission seeking an appropriate solution. Ms Wolt submitted that a solution could fall within the Council’s broad scope to amend the Plan based on the range of relief sought by submissions.
157. Mr Barr’s response is the rule described above. We asked both Ms Wolt and Ms O’Sullivan whether an alternative solution would be to change the definition of utility to exclude airports from the definition. Ms Wolt undertook to consider that option, and Ms O’Sullivan suggested the definition could be changed to exclude airport activities and airport related activities within the Airport Mixed Use Zone. We understood her response to be that QAC would want any of its activities outside of that zone to continue to be controlled by Chapter 30.
158. We are not satisfied that there is scope to make either Mr Barr’s amendment or to amend the definition of utility to obviate the apparent inconsistency. Having considered the two alternatives, we conclude that the most appropriate solution is to amend the definition of utility consistent with Ms O’Sullivan’s suggestion. That will require a variation to the PDP and we recommend the Council investigate initiating such a variation.
159. Consistent with our approach in other chapters, recommend that the heading of this section be “Explanation of Rules” to better identify the purpose of the provisions contained. The only other change we recommend is to provision 30.3.3.5. This does not explain the rules. Rather it is a note that designations can also apply to some utilities. This should be identified as a note without a provision number to avoid confusion.
160. We set out in Appendix 1 our recommended layout of this section.

## 5. SECTIONS 30.4 AND 30.5 – RULES

### 5.1. Introductory Remarks

161. As notified, Section 30.4 contained a single table with activities listed and the activity classification. The list was broken into two sections: those for energy activities; and those for utilities. While there may have been a logic to the order of activities within each group, it was not obvious to us. Following this table, Section 30.5 contained a second table, this time setting out the standards that applied to certain activities. Again that was split into two groups. As the rules from sections 30.4 and 30.5 interact with each other, it is sensible to consider them together where possible.
162. In his reply statement, Mr Barr proposed a re-order of both the activity classifications and the standards into several tables such that the standards for a group of activities (such as renewable energy activities) immediately followed the classification table for that group. In part this was a response to submissions lodged by the Telecommunication Companies<sup>142</sup> which sought a re-ordering of the rules applying to telecommunication utilities and a conflating of activity classifications and standards. Thus, Mr Barr’s re-ordering had standards for some

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<sup>142</sup> Submissions 179, 191, 421 and 781

groups of activities, but in other cases included the standard within the classification of the activity. This has led to some repetition of standards.

163. We agree that the re-ordering is a more user-friendly approach and have largely followed Mr Barr's layout. However, we have made some further changes to assist users. Within each classification table we have generally listed the activities in order of their classification with permitted first, followed by controlled, then restricted discretionary, discretionary, non-complying and prohibited in that order. In addition, we have numbered each table and restarted the rule numbers for each table, meaning that rules have the format 30.4.[Table-Number].[Rule-Number].

164. Our discussion of the submissions on the rules will be in the rule order as notified, but when making our recommendation on each provision we will identify where it fits in our re-ordered version.

#### 5.2. Rule 30.4.1 – Energy Activities which are not listed in this table

165. These activities were classified as non-complying by this rule. No submissions were lodged in respect of this rule. Although we do not recommend any changes in the effect of this rule, we note that the classification of other energy activities in the table has the effect that it only applies to non-renewable energy activities and in part duplicates Rule 30.4.7. We consider that this rule is unnecessary given that the only activity it affects which is not covered by Rule 30.4.7 is one we conclude, in our discussion of Rule 30.4.3 below, is caught by error rather than intent. We recommend that it can be deleted as having no regulatory value.

#### 5.3. Rule 30.4.2 and Rule 30.5.1

166. This rule provides for small and community-scale distributed electricity generation and solar hot water heating as a permitted activity, provided it has a rated capacity of less than 3.5kW and is not located within a number of sensitive zones and areas (covered by Rule 30.4.3).

167. One submission<sup>143</sup> supported the rule, and a second submission<sup>144</sup> sought it be amended by removing the capacity limit, replacing that with an area limit. Mr Barr did not comment on this submission, but in his recommended amendments to the chapter attached to his Section 42A Report he recommended changing the 3.5kW rated capacity limitation to 5kW.

168. This rule needs to be considered in relation to Rule 30.5.1 which sets additional standards for this activity. Four submissions<sup>145</sup> opposed the standards in this rule that allowed solar panels to protrude beyond the maximum height limit specified for the zone. One submission<sup>146</sup> sought the deletion of the area limitation of 150m<sup>2</sup> for free standing solar systems, and one submission<sup>147</sup> sought the standards be amended to promote ground and water source energy at a domestic scale.

169. Mr Barr commented on the submissions concerned with protrusion through the height limit in his Section 42A Report<sup>148</sup>. He concluded that the potential of panels to protrude through the relevant height limit was little different to the exemption given to chimneys, and recommended the rule remain as notified.

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<sup>143</sup> Submission 72, supported by FS1352

<sup>144</sup> Submission 126

<sup>145</sup> Submissions 263, 510, 511 and 792

<sup>146</sup> Submission 368

<sup>147</sup> Submission 383

<sup>148</sup> Paragraphs 14.19 to 14.22

170. We agree with Mr Leece and Ms Kobienia<sup>149</sup> that, when considered in light of the standards in Rule 30.5.1, there is no need for Rule 30.4.2 to contain any limit on rated capacity, even if 5kW as recommended by Mr Barr. There was no evidence to suggest that capacity correlated to the level of adverse effects, and it is the latter that is relevant. In addition, such a limitation essentially discourages the use of more efficient small-scale photovoltaic systems – that is, systems that have a higher rated capacity but take up a smaller area than those contemplated by these rules, and it appears to be inconsistent with the objectives and policies of this chapter relating to renewable electricity generation and Policy F of the NPSREG 2011. We also recommend some minor grammatical changes to this rule.
171. Mr Barr recommended several amendments to Rule 30.5.1<sup>150</sup>:
- a. Insert into Rule 30.5.1.2 after “recessive colours” the phrase “with a light reflectance value of less than 36%” with a reference to Submission 383;
  - b. Clarify the phrasing regarding the setback exemption not being available in rule 30.5.1.3;
  - c. Specify that such activities had to be located within building platforms within those zones that require them; and
  - d. Add a requirement that such facilities cannot exceed site coverage rules.
172. We could not find scope in the submissions Mr Barr referred to for the first and last amendments so consider those no further. We agree that the other two amendments assist in improving the rule. Rule 30.5.1.2 does require some rewording for it to logically fit within the overall wording of the standard. Such a change does not alter the effect of the rule and we consider such a change to be minor in terms of Clause 16(2).
173. In our view, the combination of standards in Rule 30.5.1, incorporating amendments (b) and (c) above, appropriately deal with the potential effects on the environment of the activity. We do not consider that the limited protrusion beyond the height limit allowed by this rule to be any more than minor, and consider such an intrusion to be consistent with the provisions of the NPSREG 2011. We consider that it is appropriate for free-standing units greater than 150m<sup>2</sup> and/or greater than 2.0m in height to be assessed as discretionary activities, as notified Rule 30.5.1 required.
174. As a consequence, and allowing for the relocation of the two rules, we recommend that Rules 30.4.2 and 30.5.1 be renumbered as 30.4.1.1 and 30.4.2.1 respectively, and amended to read:
- 30.4.1.1    **Small and Community-Scale Distributed Electricity Generation and Solar Water Heating**, excluding Wind Electricity Generation, including any structures and associated buildings, other than those activities restricted by Rule 30.4.1.4.*
- As a permitted activity.
- 30.4.2.1    **Small and Community-Scale Distributed Electricity Generation and Solar Water Heating** must:*
- 30.4.2.1.1    not overhang the edge of any building.*

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<sup>149</sup> Submission 126

<sup>150</sup> Reply Version, p.30-13



- 30.4.2.1.2 *be finished in recessive colours: black, dark blue, grey or brown if Solar Electricity Generation cells, modules or panels.*
- 30.4.2.1.3 *be finished in similar recessive colours to those in the above standard if frames, mounting or fixing hardware. Recessive colours must be selected to be the closest colour to the building to which they form part of, are attached to, or service.*
- 30.4.2.1.4 *be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings do not apply.*
- 30.4.2.1.5 *not intrude through any recession planes applicable in the zone in which they are located.*
- 30.4.2.1.6 *not protrude more than a maximum of 0.5 m above the maximum height limit specified for the zone if solar panels on a sloping roof.*
- 30.4.2.1.7 *not protrude more than a maximum of 1.0 m above the maximum height limit specified for the zone, for a maximum area of 5m<sup>2</sup> if solar panels on a flat roof.*
- 30.4.2.1.8 *not exceed 150 m<sup>2</sup> in area if free standing Solar Electricity Generation and Solar Water Heating.*
- 30.4.2.1.9 *not exceed 2.0 metres in height if free standing Solar Electricity Generation and Solar Water Heating.*
- 30.4.2.1.10 *be located within an approved building platform where located in the Rural, Gibbston Character or Rural Lifestyle Zone.<sup>151</sup>*

Non-compliance would require consent as a discretionary activity.

#### 5.4. Rule 30.4.3

175. This rule, as notified, classified small and community-scale distributed electricity generation with a rated capacity of 3.5kW or more as a discretionary activity, or a discretionary activity if located within:
- a. Arrowsmith Residential Historic management Zone
  - b. Town Centre Special Character Areas;
  - c. Open Space Zones;
  - d. Any open space and landscape buffer areas identified on any of the Special Zones;
  - e. Significant Natural Areas;
  - f. Outstanding Natural Landscapes;
  - g. Outstanding Natural Features;
  - h. Heritage Features and Landscapes;
  - i. Rural Zones (if detached from or separate to a building).
176. Submissions on this rule sought:
- a. Photovoltaic panels and roofing profiles suitable for photovoltaic laminates be a permitted activity in the Arrowsmith Residential Historic Management Zone<sup>152</sup>;

<sup>151</sup> See discussion of next rule for additional reasons for inclusion of this standard.

<sup>152</sup> Submission 752

- b. Require at least limited notification of facilities over 1.2 m in height<sup>153</sup>;
  - c. Remove the capacity restriction<sup>154</sup>;
  - d. Limit the restriction in rural zones to outside of a building platform<sup>155</sup>.
177. Again, Mr Barr did not comment on this rule but did recommend some minor amendments in Appendix 1 of his Section 42A Report. As well as increasing the rated capacity threshold to 5 kW, to be consistent with Rule 30.4.2, he recommended clarifying that “Rural Zones” meant “Rural Zone, Rural Residential Zone and Rural Lifestyle Zone”. He also recommended that the qualification in respect of the rural zones be changed to read “if outside a building platform”.
178. We consider the placement of photovoltaic panels (or laminates) on roofs in the Arrowtown Residential Historic Management Zone is a matter best considered within the context of the heritage purpose of that zone. For that reason we conclude the discretionary activity regime proposed for this zone as notified is appropriate and recommend that Submission 752 be rejected.
179. As with the previous rule, and for the same reasons, we recommend the rated capacity threshold be removed. If the proposed facility exceeds the standards in Rule 30.5.1 (as notified) then it will require consent as a discretionary activity. We also agree that the restriction in rural areas (other than in ONLs and on ONFs) should be limited to outside of building platforms. Built form is expected within building platforms and limitation of 150m<sup>2</sup> and a height limit of 2m (as in Rule 30.5.1) is an appropriate threshold in such a location. We note that building platforms are not required in the Rural Residential Zone so this provision should not refer to that zone. We also consider the restriction would be better founded in the standard Rule 30.4.2.1 (formerly 30.5.1) phrased as follows:
- 30.4.2.1.10 be located within an approved building platform where located in the Rural, Gibbston Character or Rural Lifestyle Zone.*
180. A consequential result of removing the rated capacity threshold is that small and community-scale wind electricity generation with a rated capacity of less than 3.5kW will become a discretionary activity, whereas as notified it could have been construed as being non-complying. As notified, Rule 30.4.2 excluded wind electricity generation from the permitted activity status, and Rule 30.4.3 made such generation, provided it had a rated capacity exceeding 3.5kW, a discretionary activity.
181. Mr Barr noted the issue in his Reply Statement and recommended a new rule providing for small scale wind generation as a controlled activity in the Rural, Gibbston Character and Rural Lifestyle Zones<sup>156</sup>, subject to compliance with the standards for wind generation. From Mr Barr’s Reply Statement it is also apparent that he intended that such facilities did not locate in any of the areas restricted in notified Rule 30.4.3, and that it be limited to being within approved building platforms. These latter restrictions do not seem to have been carried into his draft rules.
182. We doubt that the rule drafters intended that the smaller capacity wind generation facility would require a more onerous consent process than a larger facility. The proposal does also satisfy matters raised in Submission 368. We do not consider the facility should not have a

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<sup>153</sup> Submission 20, opposed by FS1097 and FS1121

<sup>154</sup> Submission 126, supported by FS1024

<sup>155</sup> Submission 368

<sup>156</sup> Craig Barr, Reply Statement dated 22 September 2016, Section 5

rated capacity limitation, consistent with our reasoning set out above. The standards that would apply, and identifying the activity as being Small and Community Scale Electricity Generation (a defined term which is scale limiting), impose a scale limit on any equipment utilising Mr Barr's proposed rule. Subject to some adjustment to the wording of Mr Barr's proposed rule and Rule 30.4.3, we accept that provision should be made as proposed by Mr Barr.

183. We recommend that a new rule providing a controlled activity for small scale wind electricity generation be included as follows:

*30.4.1.2 Small and Community-Scale Distributed Wind Electricity Generation within the Rural Zone, Gibbston Character Zone and the Rural Lifestyle Zone provided that:*

- a. it is located within an approved building platform;*
- b. it is not restricted by Rule 30.4.1.4; and*
- c. it complies with the standards in Rule 30.4.2.3.*

*Control is reserved to:*

- a. Noise;*
- b. Visual effects;*
- c. Colour;*
- d. Vibration.*

184. One final change to Rule 30.4.3 is required in respect of "Heritage Features and Landscapes". The Hearing Panel for Stream 3 has recommended that "Heritage Landscapes" be renamed "Heritage Overlay Areas". We recommend that terminology be used in this rule for consistency. Consequently, and incorporating minor grammatical changes consistent with those in the previous rule, we recommend this rule, as a discretionary activity, read:

*30.4.1.4 Small and Community-Scale Distributed Electricity Generation and Solar Water Heating, including any structures and associated buildings, which is either:*

*30.4.1.4.1 Wind Electricity Generation other than that provided for in Rule 30.4.1.2;*

*OR*

*30.4.1.4.2 Located in any of the following:*

- a. Arrowtown Residential Historic Management Zone*
- b. Town Centre Special Character Areas;*
- c. Significant Natural Areas;*
- d. Outstanding Natural Landscapes;*
- e. Outstanding Natural Features;*
- f. Heritage Features and Heritage Overlay Areas.*

#### 5.5. Rule 30.4.4

185. This rule provides for equipment and activities for the purpose of research and exploratory-scale investigations for renewable electricity generation to be a restricted discretionary activity.

186. There were two submissions on this rule. One<sup>157</sup> sought that it not apply in the Hydro Generation Zone. That zone is within the ODP and not part of the PDP. Notwithstanding that

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<sup>157</sup> Submission 580

Mr Barr proposed providing an exclusion to satisfy this submitter<sup>158</sup>, we recommend the submission therefore be rejected as not being necessary.

187. The second submission<sup>159</sup> sought amendment to the matter of discretion related to natural hazards. Mr Barr recommended the deletion of that matter of discretion<sup>160</sup>, and some minor grammatical changes. Subject to those changes, we recommend the rule remain as notified other than renumbering to 30.4.1.3.

#### 5.6. Rule 30.4.5

188. This rule provided for renewable electricity generation facilities not provided for by the previous rules to be a discretionary activity. The sole submission<sup>161</sup> on the rule supported the discretionary activity status.

189. We recommend the rule be confirmed without alteration, subject to being numbered 30.4.1.5.

#### 5.7. Rule 30.4.6

190. This rule provided for, as a permitted activity, non-renewable electricity generation that was either:

- a. Standby generation for community, health care and utility activities; or
- b. Part of a stand-alone system on remote sites that do not have connection to the distributed electricity network.

191. The only submission<sup>162</sup> sought that the temporary operation of emergency and back-up generator should be exempt from complying with the Noise Rules in Chapter 36. The same submitter sought that Chapter 36 be similarly amended.

192. In her evidence<sup>163</sup>, Ms Dowd identified another issue of concern to Aurora. This related to the interface with the Temporary Activities provisions in Chapter 35. A gap in those rules relating to the definition of utilities meant that temporary electricity generation serving an area wider than the site it was located on was not provided for. Aurora's submission sought amendments to the definition of utilities as a means of overcoming this problem, but Ms Dowd suggested that an amendment to this rule would obviate that change. Ms Dowd's evidence did not consider the noise issue referred to in the previous paragraph.

193. Mr Barr agreed with this approach and recommended amendments in his Reply Statement<sup>164</sup>.

194. We agree with the reasons provided by Ms Dowd and Mr Barr for amending this rule. However, we do not consider Mr Barr's solution achieves the correct outcome. We prefer the approach suggested by Ms Dowd<sup>165</sup>, albeit with wording more similar to that suggested by Mr Barr.

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<sup>158</sup> Craig Barr, Reply Statement, paragraphs 14.45 to 14.48

<sup>159</sup> Submission 383

<sup>160</sup> Craig Barr, Reply Statement, 22 September 2016, Section 12

<sup>161</sup> Submission 580

<sup>162</sup> Submission 635

<sup>163</sup> Joanne Dowd, EiC, paragraph 28

<sup>164</sup> Paragraphs 16.1 and 16.2

<sup>165</sup> *ibid*

195. Finally, we note that Chapter 31 no longer relates to hazardous substances and their control is no longer a function of the Council. We have deleted the reference to that chapter in the note.

196. Consequently we recommend that Rule 30.4.6 be amended and renumbered as follows:

**30.4.3.1 Non-renewable Electricity Generation** where either:

a. *the generation only supplies activities on the site on which it is located and involves either:*

i. *Standby generators associated with community, health care, and utility activities; or*

ii. *Generators that are part of a Stand-Alone Power System on remote sites that do not have connection to the local distributed electricity network;*

OR

b. *the generation supplies the local electricity distribution network for a period not exceeding 3 months in any calendar year.*

*Note – Diesel Generators must comply with the provisions of Chapter 36 (Noise) and Chapter 31 (Hazardous Substances)*

5.8. **Rule 30.4.7**

197. This rule partially duplicated Rule 30.4.1 by classifying non-renewable electricity generation that was not otherwise identified as a non-complying activity. No submissions were received on this rule.

198. We recommend it remain as notified, but be renumbered as 30.4.3.2.

5.9. **Rule 30.5.2**

199. This rule sets the standards applying to mini and micro hydro electricity generation. There were no submissions on this rule and we heard no evidence on it. Mr Barr recommended two amendments<sup>166</sup>:

a. Insert in 30.5.2.3 after “recessive colours” the phrase “with a light reflectance value of less than 36%” with a reference to Submission 383; and

b. Change the reference in the Note to the Regional Plan: Water

200. We can find no scope in Submission 383 to amend this rule as Mr Barr suggests. His discussion of the issue in the Section 42A Report<sup>167</sup> appears to ignore the fact that the submission clearly states, in the column identifying the provision it relates to, “30.5.3.5”. We do, however, accept that the advice note should refer to the Regional Plan: Water rather than the “Water Plan Rules”. Therefore, we recommend the rule be adopted with only a minor grammatical change, that it be numbered 30.4.2.2, and the advice note be amended to refer to the Regional Plan: Water.

5.10. **Rule 30.5.3**

201. This rule provides the standards for wind electricity generation. There were two submissions on this rule. Submission 368 sought that Rule 30.5.3.1 be deleted so that there was no limit

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<sup>166</sup> Craig Barr, Reply Statement, Appendix 1, p.30-14

<sup>167</sup> Craig Barr, Section 42A Report, paragraph 14.3

on the number of turbines. Submission 383<sup>168</sup> sought the inclusion of a maximum reflectance value in Rule 30.5.3.5.

202. Mr Barr discussed the matter of the maximum reflectance value in his Section 42A Report, and we accept his recommendation in relation to this rule. Mr Barr also recommended a grammatical change to 30.5.3.3 in his Reply Version which we accept. Additionally, in his Reply Version, Mr Barr recommended the maximum height of masts in the Rural and Gibbston Character Zones be 12m, rather than the 10m as notified; the maximum height of the turbine be measured to the top of the mast, not the blade as notified; and that a new standard be added requiring compliance with Chapter 36 (Noise).

203. As we have noted with amendments to other standards, we can find no scope in the submissions for these last three amendments. We accept that Chapter 36 contains standards which wind turbines must comply with. It seems that a note referring a reader to that would suffice here, rather than including it as a standard. We are not prepared to recommend the other changes in the absence of submissions.

204. We heard no evidence as to why there should not be a limit of two turbines per site. We consider that, in the context of the environment of this District, to be a suitable limit.

205. We recommend this rule be amended to read:

30.4.2.3 ***Wind Electricity Generation shall:***

30.4.2.3.1 *Comprise no more than two Wind Electricity Generation turbines or masts on any site.*

30.4.2.3.2 *Involve no lattice towers.*

30.4.2.3.3 *Be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings shall not apply*

30.4.2.3.4 *Not exceed the maximum height or intrude through any recession planes applicable in the zone in which they are located.*

30.4.2.3.5 *Be finished in recessive colours with a light reflectance value of less than 16%*

*Notes: In the Rural and Gibbston Character Zones the maximum height shall be that specified for non-residential building ancillary to viticulture or farming activities (10m).*

*The maximum height for a wind turbine shall be measured to the tip of blade when in vertical position.*

*Wind turbines must comply with Chapter 36 (Noise)*

#### 5.11. Rules 30.5.4 and 30.5.5

206. There were no submissions on Rule 30.5.4. We recommend it be adopted renumbered to 30.4.2.4 and with an amendment to the advice note to refer to the appropriate regional plan.

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<sup>168</sup> Opposed by FS1106, FS1208 and FS1253

207. The only submission<sup>169</sup> on Rule 30.5.5 sought that the it be a controlled activity. It is unclear from the submission whether the submitters were seeking that to be the base requirement for the activity, or the status of the activity if it did not meet the standards in Rule 30.5.5.
208. Mr Barr recommended changing the maximum height in clause 1 to 3m<sup>170</sup>, and inserting a maximum reflectance value of 36% in clause 3<sup>171</sup>. We can find not scope in the submissions for such changes and consider them no further.
209. We are satisfied that this rule as notified provides appropriate standards for buildings accessory to renewable generation activities. We recommend it be adopted as notified, subject to being renumbered 30.4.2.5 and with the title changed to *Buildings accessory to renewable energy activities*.

#### 5.12. Rules for Utilities

210. We preface discussion of this section of the rules by noting that the Telecommunications Companies all lodged submissions<sup>172</sup> seeking the complete replacement of Rules 30.4.8 to 30.4.16 (except for 30.4.10) with a completely new set of rules. In addition, and consequent on that submission, they also sought the deletion of Rules 30.5.7, 30.5.8 and 30.5.9 as no longer being necessary. In his evidence for the Companies, Mr McCallum-Clark did not seek such wholesale replacement. Rather he accepted most of the changes recommended by Mr Barr and provided no direct evidence supporting the complete replacement as sought in the submissions.

211. While we do not disregard these submissions, given the lack of supporting evidence, we do not discuss them in any detail below unless the recommendations of Mr Barr or Mr McCallum-Clark warrant it.

#### 5.13. Rule 30.4.8

212. This rule classified utilities, buildings, structures and earthworks not otherwise listed as a discretionary activity. The sole submission<sup>173</sup> on this rule sought that underground lines be included in the list of activities.

213. To understand this rule, one needs to read it with reference to the heading immediately preceding it, which states:

*Rules for Utilities; and Buildings, Structures and Earthworks within or near to the National Grid Corridor*

*Note - The rules differentiate between four types of activities: lines and support structures; masts and antennas; utility buildings; and flood protection works & waste management facilities.*

214. With this understanding, it is clear the rule as notified was directed to two different activities: utilities; and activities within or near the National Grid Corridor. Without that understanding one could conclude that it affected a wide range of activities.

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<sup>169</sup> Submission 368

<sup>170</sup> Section 42A Report, Appendix 1, p.30-16

<sup>171</sup> Reply Version, p. 30-15

<sup>172</sup> Submissions 179 (opposed by FS1301), 191 (opposed by FS1301), 421 and 781 (opposed by FS1301)

<sup>173</sup> Submission 251, supported by FS1121

215. Mr Barr did not discuss this rule, nor the submission, in his Section 42A Report. He did, however, recommend, as a new rule 30.4.22, that underground lines be a permitted activity, subject to ground reinstatement. In Ms Justice’s tabled evidence, she advised that she considered the new rule addressed PowerNet’s submission, and that it was appropriate<sup>174</sup>.

216. Mr Barr considered Rule 30.4.8 in his Reply Statement and recommended an effective split between the non-specified utilities and the activities in or near the National Grid Corridor. He included the latter activities in standards which we discuss below. His reworded rule was:

*Utilities which are not otherwise listed in Rules x to x<sup>175</sup>*

217. We consider that Mr Barr may have unintentionally narrowed the scope of this rule in re-arranging the rules in his Reply version. While we agree with his approach, we recommend that the rule continue to apply to all utilities not otherwise provided for, as well as buildings associated with utilities.

218. We note also, that in recommending amendments to make the chapter consistent with the NESTF 2016, Mr Barr and Mr McCallum-Clark added a proviso to clarify that the catch-all status was subject to the regulations contained in the NESTF 2016<sup>176</sup>. We agree that clarification is helpful.

219. In our re-arrangement of the rules we have relocated the rule to make it clear that it apply to all utilities not otherwise provided for, and have numbered it 30.5.1.8. With the additional clarification, we recommend it reads:

*Utilities and Buildings (associated with a Utility) which are not:*

*30.5.8.1 provided for in any National Environmental Standard;*

*OR*

*30.5.8.2 otherwise listed in Rules 30.5.1.1 to 30.5.1.7, 30.5.3.1 to 30.5.3.5, 30.5.5.1 to 30.5.5.8, or 30.5.6.1 to 30.5.6.13*

#### 5.14. Rule 30.4.9

220. This rule classified “minor upgrading” as a permitted activity. The only submissions<sup>177</sup> on the rule sought its retention.

221. It is appropriate to consider the definition of “minor upgrading” at this point so that the implications of the rule are fully understood. As notified, that definition read:

***Minor upgrading*** Means maintenance, replacement and upgrading of existing conductors or lines and support structures provided they are of a similar character, intensity and scale to the existing conductors or line and support structures and shall include the following:

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<sup>174</sup> Paragraph 4.17

<sup>175</sup> We presume he intended the relevant rules indicated by “x to x” to be the remainder in the same table, being his amended numbers 30.4.2 to 30.4.8

<sup>176</sup> Joint Witness Statement at paragraph 2.1(b).

<sup>177</sup> Submissions 251, 635 and 805



- *Replacement of existing support structure poles provided they are less or similar in height, diameter and are located within 1 metre of the base of the support pole being replaced;*
- *Addition of a single service support structure for the purpose of providing a service connection to a site, except in the Rural zone;*
- *The addition of up to three new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period, except in the Rural Zone;*
- *Replacement of conductors or lines provided they do not exceed 30mm in diameter or the bundling together of any wire, cable or similar conductor provided that the bundle does not exceed 30mm in diameter;*
- *Re-sagging of existing lines;*
- *Replacement of insulators provided they are less or similar in length; and*
- *Addition of lightning rods, earth-peaks and earth-wires.*

222. Seven submissions<sup>178</sup> sought amendments to this definition. Mr Barr discussed these submissions in his Section 42A Report<sup>179</sup>, noting that the majority of the relief sought was consistent with definitions used in other district plans<sup>180</sup>. He recommended accepting the following components:

- a. the addition of lines;
- b. removing diameter requirements<sup>181</sup>;
- c. introduction of re-sagging and bonding of conductors;
- d. the replacement of insulators with more efficient ones; and
- e. the removal of three additional support structures as a minor upgrade.

223. Ms Justice<sup>182</sup> largely supported Mr Barr's proposed amendments, but sought the additional inclusion of:

- a. provision for replacement of poles in defined circumstances;
- b. replacement of lines or bundling of lines provided they do not exceed 30cm in diameter; and
- c. replacement of equipment of similar intensity and scale.

224. Ms Justice also noted that the ODP contained a practical provision that allowed a replacement pole to be erected prior to removal of an existing pole, and suggested this should be retained.

225. Ms Dowd<sup>183</sup> considered that the definition as notified would require utility companies to obtain unnecessary consents. She largely supported Mr Barr's revised definition, but also sought an additional clause to allow for the increase in height of support structures of up to 15% where required to maintain compliance with NZECP 34:2001, and the retention of the clause allowing for an extension of line length, but for up to four new support structures.

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<sup>178</sup> Submissions 179 (supported by FS1121 and FS1301, opposed by FS1132), 191 (supported by FS1121 and FS1301, opposed by FS1132), 251, 421, 635 (supported by FS1301, opposed by FS1132), 781 (supported by FS1121 and FS1342) and 805

<sup>179</sup> Paragraphs 9.41 to 9.43

<sup>180</sup> He gave the examples of Wellington City District Plan and the Tauranga City District Plan

<sup>181</sup> Noting that he considered these too difficult to monitor, and there is a requirement for minor upgrades to be of a similar scale and intensity.

<sup>182</sup> Megan Justice, EIC, paragraphs 4.10 to 4.15

<sup>183</sup> Joanne Dowd, EIC, paragraphs 31-36

226. Ms McLeod considered Mr Barr's redraft was satisfactory, with the one exception being that she considered the same clause regarding additional height Ms Dowd sought be included, be added to the definition. Ms McLeod noted that such increases in height provide for health and safety of the community, and that the clause mirrors similar regulations in the NESETA 2012.
227. Mr Barr reconsidered the definition in detail in his Reply Statement<sup>184</sup> and recommended acceptance of most of the points raised in the evidence discussed. In particular, he accepted that replacement support structures should be allowed within 2 metres of the existing structure, rather than the 5 m sought by Aurora, and that lines may be extended by up to three new support structures, rather than the 4 sought by Aurora, within any 5 year period, including within the Rural Zone.
228. We agree with Mr Barr's reasoning and recommend to the Stream 10 Panel that the definition of "minor upgrading" be as follows:

**Minor upgrading** Means an increase in the carrying capacity, efficiency or security of electricity transmission and distribution or telecommunication lines utilising the existing support structures or structures of a similar character, intensity and scale, and includes the following:

- a. Addition of lines, circuits and conductors;
- b. Reconducting of the line with higher capacity conductors;
- c. Re-sagging of conductors;
- d. Bonding of conductors;
- e. Addition or replacement of longer or more efficient insulators;
- f. Addition of electrical fittings or ancillary telecommunications equipment;
- g. Addition of earth-wires which may contain lightning rods, and earth-peaks;
- h. Support structure replacement within the same location as the support structure that is to be replaced;
- i. Addition or replacement of existing cross-arms with cross-arms of an alternative design; and
- j. Replacement of existing support structure poles provided they are less or similar in height, diameter and are located within 2 metres of the base of the support pole being replaced;
- k. Addition of a single support structure for the purpose of providing a service connection to a site, except in the Rural Zone;
- l. The addition of up to three new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period.

229. With that understanding as to what Rule 30.4.9 is permitting, we recommend it remain as notified. As part of our re-arrangement of the rules, we have separated the various types of utility activities. The consequence of this is that the rule is repeated as 30.5.3.1 for the National Grid, 30.5.5.1 for electricity distribution, and 30.5.6.1 for telecommunications and other communication activities.

#### 5.15. Rule 30.4.10

230. This rule classified as permitted activities, buildings, other than those for National Grid Sensitive Activities, structures and earthworks within the National Grid Corridor, provided they complied with standards in Rules 30.5.10 and 30.5.11.

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<sup>184</sup> Paragraphs 14.4-14.9

231. Aurora<sup>185</sup> sought amendments to this rule as part of its submission seeking special provision for parts of its network. We have already given our reasons for not accepting that submission so discuss it no further here.
232. Transpower<sup>186</sup> sought a complete rewrite of this rule and the associated standards to create a single rule containing all the conditions to be met for an activity to be permitted.
233. To understand both the effect of this rule, and what was being sought by Transpower, it is appropriate to consider it in conjunction with the relevant standards: Rules 30.5.10 and 30.5.11. Rule 30.5.10 set the following standards for buildings and structures within the National Grid Corridor, and set non-compliance with the standards a non-complying activity:
- 30.5.10.1 A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height.*
- 30.5.10.2 Any utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid.*
- 30.5.10.3 Any new non-habitable building less than 2.5m high and 10m<sup>2</sup> in floor area.*
- 30.5.10.4 Any non-habitable building or structure used for agricultural activities provided that they are:*
- a. less than 2.5m high*
  - b. Located at least 12m from a National Grid Support Structure*
  - c. Not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse.*
  - d. Alterations to existing buildings that do not alter the building envelope less than 2.5m high*
  - e. Located at least 12m from a National Grid Support Structure*
  - f. Not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse.*
- 30.5.10.5 Alterations to existing buildings that do not alter the building envelope.*
234. Rule 30.5.11 set standards for earthworks within the National Grid Yard and made non-compliance with those standards a discretionary activity. The standards as notified were:
- 30.5.11.1 Earthworks within 2.2 metres of a National Grid pole support structure or stay wire shall be no deeper than 300mm.*
- 30.5.11.2 Earthworks between 2.2 metres to 5 metres of a National Grid pole support structure or stay wire shall be no deeper than 750mm.*
- 30.5.11.3 Earthworks within 6 metres of the outer visible edge of a National Grid Transmission Tower Support Structure shall be no deeper than 300mm.*
- 30.5.11.4 Earthworks between 6 metres to 12 metres from the outer visible edge of a National Grid Transmission Tower Support structure shall be no deeper than 3 metres.*

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<sup>185</sup> Submission 635

<sup>186</sup> Submission 805

30.5.11.5 *Earthworks shall not create an unstable batter that will affect a transmission support structure.*

30.5.11.6 *Earthworks shall not result in a reduction in the existing conductor clearance distance below what is required by the New Zealand Electrical Code of Practice 34:2001.*

235. Rule 30.5.11 also listed the following exemptions from this rule:

30.5.11.7 *Earthworks undertaken in the course of constructing or maintaining utilities*

30.5.11.8 *Earthworks undertaken as part of agricultural activities or domestic gardening*

30.5.11.9 *Repair sealing, resealing of an existing road, footpath, farm track or driveway*

236. As notified, the PDP also contained definitions for National Grid Corridor, National Grid Yard, National Grid Sensitive Activities and Sensitive Activities – Transmission Corridor, each of which is relevant to these rules.

237. The submissions on these three rules and the four definitions are all inter-related and need to be considered together.

238. Federated Farmers sought the retention of Rules 30.5.10 and 30.5.11<sup>187</sup>. Aurora<sup>188</sup> sought minor amendments for clarification to Rule 30.5.10, but otherwise supported it, and supported Rule 30.5.11. Transpower<sup>189</sup> sought the replacement of both rules in section 30.5 so that they were consistent with its approach to managing activities in close proximity to the National Grid.

239. The Council<sup>190</sup> sought clarification as to whether the definitions of National Grid Sensitive Activities and Sensitive Activities – Transmission Corridor were both necessary. Arcadian Triangle Ltd<sup>191</sup> sought the review and amendment of all definitions related to the National Grid. Transpower sought the deletion of the definition of Sensitive Activities – Transmission Corridor and amendments to the definitions of National Grid Corridor and National Grid Yard. Transpower also sought the inclusion of the following new definitions related to these provisions:

- a. Artificial crop protection structure;
- b. Crop support structure;
- c. Earthworks within the National Grid Yard;
- d. National Grid; and
- e. Protective canopy.

240. Mr Barr considered the new definitions proposed by Transpower in his Section 42A Report. He only supported the inclusion of the National Grid definition. Mr Barr agreed with the Arcadian Triangle submission and recommended amendments to the definitions to increase consistency. He also recommended the amendment sought to the title of National Grid Corridor, changing it to National Grid Subdivision Corridor, to make it clear that corridor

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<sup>187</sup> Submission 600, supported by FS1209, opposed by FS1034

<sup>188</sup> Submission 635

<sup>189</sup> Submission 805

<sup>190</sup> Submission 383

<sup>191</sup> Submission 836

applied only to subdivision activities, while the National Grid Yard applied to all activities. Mr Barr also recommended acceptance of the amendment to 30.5.10 sought by Aurora.

241. Ms McLeod identified a series of differences between the relief sought by Transpower and the rules as recommended by Mr Barr<sup>192</sup>. In her view, the rule framework should clearly establish that activities sensitive to the National Grid are not provided for in the National Grid Yard because such an approach is firmly directed by NPSET 2008 Policy 11<sup>193</sup>. She also explained why various setbacks she proposed were appropriate. She concluded this part of her evidence by suggesting a single rule for “Buildings, Structures and National Grid Sensitive Activities within the National Grid Yard”<sup>194</sup>. This rule made all such activities non-complying, except for a list of exceptions in the rule, which would be permitted. In the same paragraph, as a separate rule, she recommended that all earthworks in the National Grid Yard that complied with rule 30.5.11 be permitted.
242. Ms McLeod took us in detail through her concerns with the standards for earthworks in Rule 30.5.11 and suggested a replacement set of standards<sup>195</sup>.
243. Mr Barr, in his Reply Statement, generally accepted the changes proposed by Ms McLeod<sup>196</sup>, although he did not agree with the rule structure she proposed.
244. We agree with the recommendation of Mr Barr that the activities in relation to the National Grid be contained in their own two tables: one relating to activities, the second to standards. Given that there was no real difference in opinion between Mr Barr and Ms McLeod by the end of the hearing, we accept their reasoning as to the standards to be achieved and the relevant activity classifications. We also note that there was no real difference between Mr Barr and Ms McLeod as to the definitions to be included, nor how those terms were defined. Additionally, we note that although Transpower sought that the term National Grid Corridor be rephrased National Grid Subdivision Corridor, Ms McLeod did support that wording change. We accept her evidence on that point.
245. As a result, we recommend that (noting that items b. to g. are recommendations to the Stream 10 Hearing Panel):
- a. Rules 30.4.10, 30.5.10 and 30.5.11 be replaced with Rules 30.5.3.2, 30.5.3.3, 30.5.4.1 and 30.5.4.2 as set out below;
  - b. The definition of Sensitive Activities – Transmission Corridor be deleted;
  - c. The definition of National Grid set out below be included;
  - d. The definition of National Grid Corridor refer to the diagram referred to next;
  - e. The diagram illustrating the dimensions of the National Grid Corridor and National Grid Yard, plus the setback distances from various poles and tower structures be replaced with that included below;
  - f. The definition of National Grid Yard remain unaltered; and
  - g. The definition of National Grid Sensitive Activities be amended to read as set out below.

Rules:

**30.5.3.2** *Buildings, structures and activities that are not National Grid sensitive activities within the National Grid Corridor – Permitted activities*

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<sup>192</sup> Ainsley McLeod, EiC, paragraph 50

<sup>193</sup> *ibid*, paragraph 51

<sup>194</sup> *ibid*, paragraph 59

<sup>195</sup> *ibid*, paragraphs 71-80

<sup>196</sup> Craig Barr, Reply, Section 9

*Subject to compliance with Rules 30.5.4.1 and 30.5.4.2*

**30.5.3.3 Earthworks within the National Grid Yard – Permitted activities**

*Subject to compliance with Rule 30.5.4.2*

**30.5.4.1 Buildings and Structures permitted within the National Grid Yard:**

30.5.4.1.1 *A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height.*

30.5.4.1.2 *Any network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid, excluding a building or structure for the reticulation and storage of water for irrigation purposes.*

30.5.4.1.3 *Any new non-habitable building less than 2.5m high and 10m<sup>2</sup> in floor area and is more than 12m from a National Grid Support Structure.*

30.5.4.1.4 *Any non-habitable building or structure used for agricultural activities provided that they are:*

- a. less than 2.5m high*
- b. Located at least 12m from a National Grid Support Structure*
- c. Not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse, or a structure associated with irrigation, or a factory farm.*

30.5.4.1.5 *Alterations to existing buildings that do not alter the building envelope.*

30.5.4.1.6 *An agricultural structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001.*

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

246. Non-compliance with this standard would require consent as a non-complying activity.

**30.5.4.2 Earthworks permitted within the National Grid Yard:**

30.5.4.2.1 *Earthworks within 6 metres of the outer visible edge of a National Grid Transmission Support Structure must be no deeper than 300mm.*

30.5.4.2.2 *Earthworks between 6 metres to 12 metres from the outer visible edge of a National Grid Transmission Support structure must be no deeper than 3 metres.*

30.5.4.2.3 *Earthworks must not create an unstable batter that will affect a transmission support structure.*

30.5.4.2.4 *Earthworks must not result in a reduction in the existing conductor clearance distance below what is required by NZECP34:2001.*

*The following earthworks are exempt from the rules above:*

30.5.4.2.5 *Earthworks undertaken by network utility operators in the course of constructing or maintaining utilities providing the work is not associated with buildings or structures for the storage of water for irrigation purposes.*

30.5.4.2.6 *Earthworks undertaken as part of agricultural activities or domestic gardening*

30.5.4.2.7 *Repair sealing, resealing of an existing road, footpath, farm track or driveway*

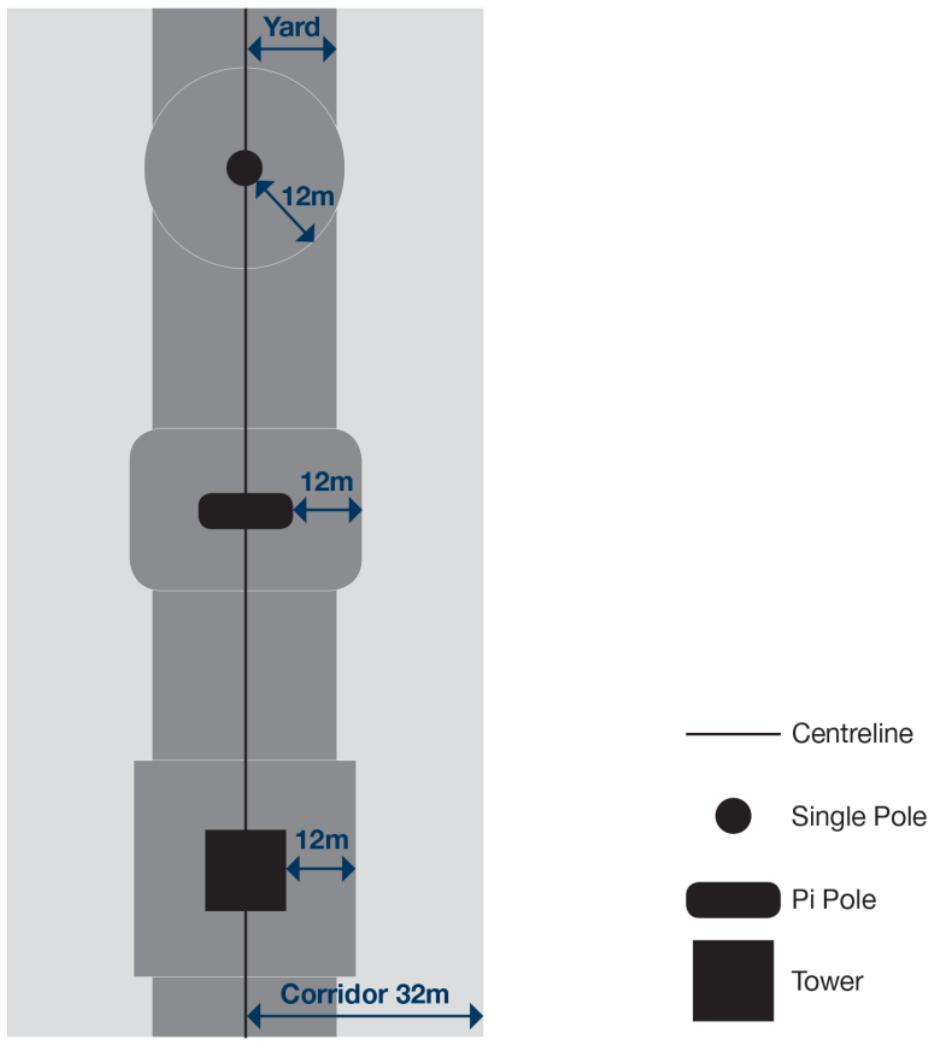
*Note – Refer to the Definitions for illustration of the National Grid Yard.*

247. Non-compliance with this standard would require consent as a non-complying activity.

Definitions:

**National Grid** *Means the same as in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.*

Diagram relevant to the definitions of National Grid Corridor and National Grid Yard:



**National Grid Sensitive Activities** Means those activities within the National Grid Corridor that are particularly sensitive to the risks associated with electricity transmission lines because of either the potential for prolonged exposure to the risk or the vulnerability of the equipment or population that is exposed to the risk. Such activities include buildings or parts of buildings used for, or able to be used for the following purposes:

- Day Care facility;
- Educational facility;
- Healthcare facility;
- Papakainga;
- Any residential activity; or
- Visitor accommodation.

#### 5.16. New Utility Rule

248. Transpower<sup>197</sup> sought a new rule making it a restricted discretionary activity for any building or intensive development to locate within 150m of the National Grid substation so as to protect the substation from reverse sensitivity effects.

<sup>197</sup> Submission 805



249. Mr Barr did not consider another reverse sensitivity rule was justified<sup>198</sup>. At the hearing, we heard from Mr Renton, Senior Principal Engineer at Transpower. He outlined in detail for us the risks associated with substations<sup>199</sup>. Applying his experience in dealing with such risks, he detailed how he considered they could be managed at the Frankton substation<sup>200</sup>. Mr Renton helpfully described to us at the hearing the nature of the risks: noise and voltage surge. He also identified that it was how the activities occurred within the 45m setback that was more important than necessarily excluding them.
250. In her pre-lodged evidence, based on Mr Renton's evidence, Ms McLeod concluded that the provisions recommended in the Section 42A Report would be inadequate to protect the Frankton substation. She considered that a 45m setback and restricted discretionary consent required for buildings, hazardous facility or sensitive activity to establish with the set back<sup>201</sup>.
251. At the hearing, following Mr Renton's explanation of the nature of the limitations that would actually be required on an adjoining property, we explored with Ms McLeod whether this could not be dealt with through the notice of requirement process. She agreed that was an option, but maintained her position that it was a matter that should be managed through the resource consent process. However, she did concede that, based on Mr Renton's evidence, that the matter could be managed through a controlled activity. She offered to draft a proposed rule, which was submitted by memorandum of counsel on 16 September 2016. Ms McLeod considered this rule would be better located in the relevant zone provisions rather than the Utilities Chapter, and counsel advised that Transpower supported the rule's inclusion in the Rural Zone, Medium Density Residential zone and the Frankton Flat Special Zone rules.
252. At this point we note that, following receipt of this memorandum containing Ms McLeod's redrafted rule, the Hearing Panel received a memorandum from counsel for Peter and Mary Arnott, who were the registered proprietors of a property immediately adjoining the Frankton substation. Counsel suggested there was no jurisdiction for the Panel to consider the rules proposed by Ms McLeod as there was no submission or further submission seeking such rules.
253. We agree with counsel that there are no submissions or further submissions seeking the inclusion of such a rule in the Rural, Medium Density Residential or Frankton Flats Special Zones. However, we are satisfied that the controlled activity rule is within the scope of the submission of Transpower seeking a restricted discretionary activity applying to a wider area and, thus, we are able to consider this rule for inclusion in Chapter 30.
254. Having heard Mr Renton's helpful evidence and having had a useful discussion with Ms McLeod concerning the regulatory options available, we have concluded that the controlled activity rule drafted by Ms McLeod provides a careful balance of ensuring neighbours' safety without unduly restricting the use of their land. We note that this circumstance is distinguishable from the Aurora request discussed above in that the purpose of the rule is not to restrict buildings and other structures, or to alert Transpower that a building or structure is proposed, but rather ensure the form and method of construction do not cause safety issues. We recommend the rule be included, reading as follows:

**30.5.3.4 Buildings, structures and National Grid sensitive activities in the vicinity of the Frankton Substation**

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<sup>198</sup> Craig Barr, Section 42A Report, paragraphs 14.41 and 14.42

<sup>199</sup> Andrew Renton, EiC, paragraphs 55 to 66

<sup>200</sup> *ibid*, paragraphs 72 to 77

<sup>201</sup> Ainsley McLeod, EiC, paragraphs 69 to 70

*Any building, structure or National Grid sensitive activity within 45m of the designated boundary of Transpower New Zealand Limited's Frankton Substation. Control is reserved to:*

- a. the extent to which the design and layout (including underground cables, services and fencing) avoids adverse effects on the on-going operation, maintenance, upgrading and development of the substation;*
- b. the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and*
- c. measures proposed to avoid or mitigate potential adverse effects.*

Controlled activity.

5.17. **Rules 30.4.11 and 30.4.12**

255. As notified, Rule 30.4.11 provided that lines and support structures be a controlled activity. The rule limited the lines to:

*A conductor line, or support structure for overhead lines, to convey electricity (at a voltage of equal to or less than 110kV at a capacity of equal to or less than 100MVA); or overhead lines for any other purpose including telecommunications.*

256. Control was reserved to: location; route; height; appearance, scale and visual effects; and *Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated<sup>1</sup>.*

257. Three submissions sought amendments to this rule<sup>202</sup>. PowerNet sought to distinguish the overhead lines provided for in this rule from underground lines. Aurora sought amendments to exclude minor upgrading from this rule, and to delete the final two matters of control. Transpower sought to include a permitted activity provision, with non-compliance with the standards triggering a controlled activity consent.

258. Mr Barr recommended amendments to this rule, relying on the submissions of the Telecommunication Companies, to clarify it and amending the matter of control relating to natural hazards consistent with his recommendations on Rule 30.4.15<sup>203</sup>. In his Section 42A Report he explained why he disagreed with the removal of the matter of control "Appearance, scale and visual effects" sought by Aurora<sup>204</sup>. In response to PowerNet's submission, he recommended a rule making underground lines/cables a permitted activity<sup>205</sup>.

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

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<sup>202</sup> Submissions 251, 635 and 805 (supported by FS1121)

<sup>203</sup> Sought by Submission 383

<sup>204</sup> Section 42A Report, paragraph 11.9

<sup>205</sup> Section 42A Report version rule 30.4.22

<sup>206</sup> Joanne Dowd, EIC, paragraph 30

<sup>207</sup> *ibid*, paragraph 31

260. Ms McLeod considered that the overall approach of Chapter 30, which did not provide for electricity lines, at any scale, without the need for a resource consent to not:
- a. *Give effect to Policy 2 of the NPSET 2008;*
  - b. *Have regard to Policy 3.6.4208 of the Proposed RPS;*
  - c. *Give effect to various policies within Chapter 30.209*
261. Mr Barr, in his Reply Statement, discussed this issue mainly in relation to how the activities (along with other telecommunications activities) would be controlled in the Rural Zone<sup>210</sup>. He recommended the rules for electricity lines and telecommunication lines be located in separate tables. Within those tables, he recommended lines and support structures within “formed legal road”<sup>211</sup> and underground cables<sup>212</sup> be permitted activities. Finally, Mr Barr recommended the deletion of the matter of control related to natural hazards<sup>213</sup>.
262. We consider Mr Barr’s revised version of this rule, along with the addition permitted activity rules and separating the rules for electricity lines and telecommunication lines, achieves the right balance between the competing objectives and policies, both in the PDP and in the superior statutory instruments, seeking to provide for utilities on one hand, while minimising adverse effects on the environment on the other.
263. Turning to Rule 30.4.12, as notified this provided for lines and supporting structures as discretionary activities where it involved any of 5 conditions. Those conditions read:
- 30.4.12.1 *Erecting any lattice towers for overhead lines to convey electricity in all zones.*
  - 30.4.12.2 *Erecting any support structures for new overhead lines to convey electricity (at a voltage of more than 110kV with a capacity over 100MVA) in all zone.*
  - 30.4.12.3 *Erecting any support structures for overhead lines to convey electricity (at a voltage of equal to or less than 110kV at a capacity of equal to or less than 100MVA); or overhead lines for any other purposes including telecommunications in any Outstanding Natural Feature or Outstanding Natural Landscape or Significant Natural Areas.*
  - 30.4.12.4 *Utilising any existing support structures for the erection of cable television aerials and connections.*
  - 30.4.12.5 *Erecting any support structures for overhead lines for any purpose in the area in Frankton known as the “Shotover Business Park”, except where any new poles are solely for the purpose of providing street lighting.*

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<sup>208</sup> Policy 4.4.4 in the Decisions Versions of the proposed RPS

<sup>209</sup> Ainsley McLeod, EiC, paragraph 44

<sup>210</sup> Craig Barr, Reply Statement, Section 11

<sup>211</sup> Reply Version rules 30.4.32 and 30.4.42

<sup>212</sup> Reply version rules 30.4.33 and 30.4.43

<sup>213</sup> Craig Barr, Reply Statement, Section 12

264. Two submissions<sup>214</sup> sought the retention of this rule, one<sup>215</sup> sought that clause 3 contain an exclusion for minor upgrading, and one sought that the activity status be changed to controlled<sup>216</sup>.
265. Without any specific discussion in his Section 42A Report but relying on the general Telecommunications Companies submission, Mr Barr recommended two changes to this rule<sup>217</sup>:
- a. Deleting 30.4.12.1 and inserting the words “lines, lattice towers or” immediately before “support structures” in 30.4.12.2;
  - b. Deleting 30.4.12.4.
266. Ms McLeod confirmed her support for the Transpower relief<sup>218</sup>, but did not discuss the rule in any detail.
267. Again there was no discussion of this rule by Mr Barr in his Reply Statement, but he recommended various changes to it in Appendix 1 attached to the reply:
- a. Deleting 30.4.12.2, but transferring it to the National Grid Table;
  - b. Deleting “including telecommunications” from 30.4.12.3, but creating a new equivalent rule in the telecommunications table with the same activity standard;
  - c. Deleting 30.4.12.5.
268. We do not think the changes made by Mr Barr cause any change to the regulatory effect of the rule, but do assist in understanding how lines are controlled in particular circumstances. We also note that we consider the deletion of 30.4.12.5 appropriate as that provision only applied to a zone which is not part of Stage 1 of the PDP. Thus it was of nugatory effect.
269. Amendments recommended by Mr Barr and Mr McCallum-Clark to ensure consistency with the NESTF 2016 involved minor wording changes with little effect on meaning. The only substantive change recommended was providing that new lines on existing structures be permitted in all instances<sup>219</sup>.
270. The overall effect of the changes recommended to Rules 30.4.11 and 30.4.12 are:
- a. The National Grid is a permitted activity in the National Grid Corridor;
  - b. Any new high voltage (over 110kV with a capacity over 100MVA) line is a discretionary activity in all zones;
  - c. Underground electricity cables are a permitted activity in all zones, subject to ground surface re-instatement;
  - d. Electricity lines and supporting structures within the reserves of formed roads are permitted activities;
  - e. Electricity lines, other than high voltage lines, are a controlled activity provided they are not located with an ONL, on an ONF, or within a Significant Natural Area;
  - f. Electricity lines (including new high voltage lines by virtue of b. above) located with an ONL, on an ONF, or within a Significant Natural Area are discretionary activities;
  - g. Underground telecommunication lines are permitted activity in all zones, subject to ground surface re-instatement;

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<sup>214</sup> Submissions 251 (supported by FS1085) and 580

<sup>215</sup> Submission 635

<sup>216</sup> Submission 805

<sup>217</sup> In Appendix 1 to the Section 42A Report

<sup>218</sup> Ainsley McLeod, EiC, paragraph 46

<sup>219</sup> Joint Witness Statement, 25 September 2017, at paragraph 2.1(h)

- h. New telecommunication lines and supporting structures within the reserves of formed roads along with new lines on existing structures are permitted activities;
- i. New telecommunication lines and supporting structures outside formed road reserve are a controlled activity provided they are not located within an ONL, on an ONF, or within a Significant Natural Area; and
- j. New telecommunication lines and supporting structures located within an ONL, on an ONF, or within a Significant Natural Area are discretionary activities.

271. We recommend that this arrangement be adopted for the reasons set out above. Rather than repeat all the relevant rules here, we will just list the relevant rule numbers from our recommended version of Chapter 30 set out in Appendix 1 to this report. The relevant rules (in the same order as above) are:

- a. Rule 30.5.3.2;
- b. Rule 30.5.3.5;
- c. Rule 30.5.5.3;
- d. Rule 30.5.5.2;
- e. Rule 30.5.5.6;
- f. Rule 30.5.5.7;
- g. Rule 30.5.6.3;
- h. Rule 30.5.6.2;
- i. Rule 30.5.6.4; and
- j. Rule 30.5.6.5.

**5.18. Rules 30.4.13 and 30.4.14**

272. As notified these two rules applied to “Telecommunication Facility and Radio communication Facilities Navigation, Metrological Facilities” (Rule 30.4.13, slightly different grammar in rule 30.4.14). By Rule 30.4.13 these activities were controlled activities where they involved erecting:

- 30.4.13.1 *Within the Rural Zone any mast greater than 8m but less than or equal to 15m in height.*
- 30.4.13.2 *Within the Town Centre Zones any mast greater than 8m but less than or equal to 10m in height.*
- 30.4.13.3 *in zones with a maximum building height of less than 8m (except for the Business and Industrial Zones), a mast greater than the maximum height permitted for buildings of the zone or activity area in which it is located.*
- 30.4.13.4 *If circular shaped an antenna greater than 1.2m in diameter but less than 2.4m in diameter. If another shape, an antenna greater than 1.2m in length or breadth but less than 2.4m in length and breadth.*

273. Control was reserved to:

- a. *Site location*
- b. *External appearance*
- c. *Access and parking*
- d. *Visual amenity impacts*
- e. *Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property,*

*whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated*<sup>1</sup>**Error! Bookmark not defined.**

274. Rule 30.4.14 provided that the following activities were discretionary activities:
- 30.4.14.1 *Erecting any mast, or erecting any antenna greater than 1.2m in diameter (if circular in shape) or 1.2m in length or breadth (if another shape) in:*
- *Any Outstanding Natural Landscape or Outstanding Natural Feature*
  - *Significant Natural Area*
  - *The Arrowtown Residential Historic Management Zone.*
  - *Any open space and landscape buffer areas identified on any of the Special Zone structure plans*
  - *Town Centre Special Character Areas*
  - *Heritage Features and Landscapes.*
- 30.4.14.2 *Erecting antenna greater than 2.4m in diameter or 3m in length or breadth, except omni directional (or “whip) antenna which shall not exceed 4m length, in the following zones: Residential (other than the Arrowtown Residential Historic Management Zone), Rural Lifestyle, Rural Residential, Township, Resort, Airport Mixed Use, Visitor, Town Centre, Corner Shopping Centre, Bendemeer, Penrith Park and Business Zones.*
- 30.4.14.3 *Erecting any antenna greater than 2.4m in diameter length or breadth and/or 4m in length if a whip antenna, in the Rural Zone.*
- 30.4.14.4 *Erecting a mast which is over 15m in height in the Rural Zone.*
- 30.4.14.5 *In all other zones including the Town Centre Zones with a maximum building height of less than 8m (except the Business and Industrial Zones) and erecting a mast which is over 10m in height.*
- 30.4.14.6 *In the Business and Industrial Zones, and in all other zones with a maximum building height of 8m or greater, erecting a mast which exceeds the maximum height of buildings in the zone it is located by more than 5m.*
275. Two submissions<sup>220</sup> sought amendments to Rule 30.4.13.4 to increase the diameter of circular shaped antenna and to exclude earthworks associated with such facilities. The Telecommunication Companies<sup>221</sup> sought a complete rewrite such that most telecommunications poles, masts, antenna and ancillary equipment were permitted activities up to greater heights than provided for in Rule 13.4.13. The companies sought that erecting masts in the sensitive locations specified in rule 30.4.14.1 be a restricted discretionary activity, as would be larger antenna and masts at heights greater than provided for in their permitted activity rule. There were no other submissions on Rule 30.4.14.
276. In his Section 42A Report Mr Barr identified that the Telecommunication Companies’ submissions were lodged in anticipation of the (then) proposed NESTF 2016. At that stage, while noting that the PDP could not be more lenient than an NES, Mr Barr was only prepared to recommend minor changes. The changes proposed permitted activity status for facilities

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<sup>220</sup> Submissions 607 and 615 (supported by FS1105 and FS1137)

<sup>221</sup> Submissions 179, 191, 421 and 781

up to specified heights, controlled activity status to a higher specified height, and full discretionary status in the sensitive locations.

277. Following conferencing between Mr Barr and Mr McCallum on ensuring consistency between the PDP rules and the NESTF 2016, the one area of disagreement between Mr Barr and Mr McCallum-Clark related to the application of Regulation 47 of the NESTF 2016 as it related to the height of poles in the Rural Zone outside of an ONL or ONF. Regulation 47 reads:

**47 Visual amenity landscapes**

- a. *This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to visual amenity landscape rules.*
- b. *This regulation is complied with if the regulated activity is carried out in accordance with the visual amenity landscape rules that apply in that place.*
- c. *In this regulation, visual amenity landscape rules means district rules about the protection of landscape features (such as view shafts or ridge lines) identified as having special visual amenity values (however described).*

278. The Joint Witness Statement explained the issue as follows:<sup>222</sup>

*Rule 30.4.6, as drafted in the Council's recommended Reply version, limits the height of poles in the Rural Zone (outside of an ONF or ONL) to 15 metres in height. The NESTF 2-16 permits poles in these areas up to 25 metres in height, except where Regulation 47 is applicable and the rules in the District Plan prevail.*

279. Mr Barr's position was based on the findings of the landscape reports which formed the basis for the section 32 analysis for the Rural Zone; in particular, the finding that rural land not otherwise identified as an ONL or ONF was a visual amenity landscape in terms of section 7 of the Act<sup>223</sup>. Thus, in his view, in those parts of the Rural Zone identified as Rural Character Landscape<sup>224</sup> are subject to visual amenity landscape rules in terms of Regulation 47 of the NESTF 2016.

280. It was Mr McCallum-Clark's view that clause 3 of Regulation 47 set out a higher bar than a general rural amenity protection rule<sup>225</sup>. It was his view that while Regulation 47 would apply to an ONL, it would not apply to the Rural Character Landscape portions of the Rural Zone.

281. We do not think Mr McCallum-Clark is correct to suggest that an ONL would qualify under Regulation 47. Regulation 50 specifically provides for the application of ONL and ONF provisions to regulated activities. In our view, Regulation 47 must, therefore, be aimed at a lower order of landscape significance.

282. On the other hand, we consider Mr Barr's interpretation to take too broad a view of what Regulation 47(3) defines as visual amenity landscape rules. That regulation states that such rules are to be for the protection of landscape features having special visual amenity values. Strategic Objective 3.2.5.2 refers to the values of Rural Character Landscapes being "*rural character and visual amenity values*" and the relevant Strategic Policies in Chapter 3, as well as the policies in Chapter 6, do not suggest that the Rural Character Landscapes have any more

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<sup>222</sup> C Barr & M McCallum-Clark, Joint Witness Statement dated 25 September 2017, at paragraph 3.3

<sup>223</sup> *ibid*, at paragraph 3.4

<sup>224</sup> The term we are recommending replace Rural Landscapes Classification.

<sup>225</sup> C Barr & M McCallum-Clark, Joint Witness Statement dated 25 September 2017, at paragraph 3.5

than general visual amenity value, albeit that parts may have higher visual amenity value than others. Notably, the PDP does not specifically identify any landscape feature within the district that is not within an ONL or ONF.

283. Consequently, we do not agree with Mr Barr's recommendation. We recommend the relevant rule provide for poles in the Rural Zone to have a maximum height of 25 m as a permitted activity. With that amendment, we agree with the approach recommended by Mr Barr in his Reply Statement, notably replacing notified rules 30.4.13 and 30.4.14 with a permitted regime for poles to a certain height, thence discretionary. We recommend these rules read (incorporating amendments to ensure consistency with the NESTF 2016):

**30.5.6.6 Poles**

*With a maximum height no greater than:*

- 25m Rural Zone;*
- 15m in the Business Mixed Use Zone (Queenstown);*
- 18m in the High Density Residential (Queenstown – Flat Sites), Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Mixed Use zones;*
- 13m in the Local Shopping Centre, Business Mixed Use (Wanaka) or Jacks Point zones;*
- 11m in any other zone; and*
- 8m in any identified Outstanding Natural Landscape.*

*Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Landscape Classification, poles must be finished in colours with a light reflectance value of less than 16%.*

Permitted activity.

**30.5.6.7 Poles**

*Exceeding the maximum height for the zones identified in Rule 30.5.6.6 OR any pole located in*

- a. any identified Outstanding Natural Feature;*
- b. the Arrowtown Residential Historic Management Zone;*
- c. Arrowtown Town Centre;*
- d. Queenstown Special Character Area;*
- e. Significant Natural Area;*
- f. Sites containing a Heritage Feature; and*
- g. Heritage Overlay Areas.*

Discretionary activity.

5.19. **Antennas**

284. As notified, the PDP provided rules for antennas in Rules 30.4.13 and 30.4.14. Although not discussed within his Section 42A Report, Mr Barr did recommend in Appendix 1 to that report three new rules be included providing for antennas:

- a. Providing for smaller antennas as a permitted activity (his Rule 30.4.19);
- b. Medium scale antennas as a controlled activity (his Rule 30.4.20); and
- c. Larger antennas and those located sensitive areas as discretionary activities (his Rule 30.4.21).



285. Mr Barr relied on the Telecommunication Companies' submissions for scope to include these. In addition, they were in part drawn from notified Rules 30.4.13 and 30.4.14.
286. Mr McCallum-Clark described these recommended rules as a rather historically-based set of dimensions which did not enable technological changes to be easily adopted<sup>226</sup>. He suggested amended provisions based on the surface area of the antennas, again split into permitted, controlled and discretionary activities.
287. In large part, in his Reply Statement, Mr Barr accepted the suggestions of Mr McCallum-Clark. In addition, in his re-arrangement to separate Electricity Distribution Activities from Telecommunication Activities, he recommended separate rules for antennas under each group of activities (being Reply Rules 30.4.36, 30.4.37, 30.4.38, 30.4.48, 30.4.49 and 30.4.50).
288. Following the conferencing of Mr Barr and Mr McCallum-Clark, they recommended minor amendments to Reply Rules 30.4.48, 30.4.49 and 30.4.50 so as to align them with Regulations 29 and 31 of NESTF 2016<sup>227</sup>.
289. The result of the various permutations the rules have gone through is that we have two sets of slightly different rules relating to antennas: those recommended by Mr Barr in his Reply in the Electricity Distribution Activities table; and those recommended by Mr Barr and Mr McCallum-Clark in the Telecommunications, Radio Communication, Navigation or Metrological Communication activities table. We did not understand that antennas would be used for electricity distribution. Rather, we understood the purpose of including the rules in that table was because electricity distributors rely in part on radio and telecommunication activities to maintain their operations. It seems to us that the rules describe the activities, not the operators, so it is irrelevant whether the user of an antenna is an electricity distributor or a telecommunications company, the rule relates to the telecommunication or radio communication (which are the same thing in reality) ability of the antenna. We conclude that these rules only need be located in the Telecommunications table.
290. We agree with the evidence of Mr Barr and Mr McCallum-Clark regarding the structure of the rules relating to antennas. We recommend the following three rules be included:

**30.5.6.8 Antennas, and ancillary equipment**

*Provided that for panel antennas the maximum width is 0.7m and for all other antenna types the maximum surface area is no greater than 1.5m<sup>2</sup> and for whip antennas, less than 4m in length.*

*Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Landscape Classification, antennas must be finished in colours with a light reflectance value of less than 16%.*

Permitted activity.

**30.5.6.9 Antennas, and ancillary equipment**

*Subject to Rule 30.5.6.10, provided that for panel antennas the maximum width is between 0.7m and 1.0m and for all other antenna types the surface*

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<sup>226</sup> M McCallum-Clark, EiC at paragraph 36

<sup>227</sup> Joint Witness Statement at paragraph 2.1(k) and Appendix 1

area is between 1.5m<sup>2</sup> and 4m<sup>2</sup> and for whip antennas, more than 4m in length.

Control is reserved to:

- a. Location
- b. appearance, colour and visual effects

Controlled activity.

**30.5.6.10 Any antennas located in the following:**

- a. any identified Outstanding Natural Feature;
- b. the Arrowtown Residential Historic Management Zone;
- c. Arrowtown Town Centre;
- d. Queenstown Special Character Area;
- e. Significant Natural Areas; and
- f. Heritage, Features and Heritage Overlay Areas.

Discretionary activity.

5.20. Rules 30.4.15 and 30.4.16

291. These rules, as notified, related to buildings larger than 10m<sup>2</sup> in area and 3m in height associated with utilities, other than masts for telecommunication and radio facilities, navigation or meteorological communication facility or supporting structures for lines. Under Rule 30.4.15 such buildings were a controlled activity with control reserved to:

- Location
- External appearance and visual effects
- Associated earthworks
- Parking and access
- Landscaping
- Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.

292. Rule 30.4.16 classified such buildings as discretionary activities where they were located in: any significant natural area; the Arrowtown Residential Historic Management Zone; or the Remarkables Park Zone. Both rules contained the following clause:

*However, this rule shall not apply where the provisions of the underlying zone or a District Wide matter specify a more restrictive activity status.*

293. Three submissions<sup>228</sup> sought amendments to Rule 30.4.15, while two<sup>229</sup> sought amendments to Rule 30.4.16. PowerNet sought that Rule 30.4.15 apply to structures as well as buildings, and, along with Aurora, sought the deletion of the provision quoted in the previous paragraph applying more restrictive zone standards. PowerNet also sought that it be clarified that smaller buildings were permitted. Ms Chin and Mr Vautier sought that such buildings be permitted where the zone provisions provided for similar scale buildings to be permitted.

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<sup>228</sup> Submissions 251, 368 and 635

<sup>229</sup> Submissions 251 (supported by FS1117, FS1121 and FS1097) and 635

294. PowerNet sought the deletion of the application of more restrictive zone provisions from Rule 30.4.16, while Aurora sought that electricity cabinets and kiosks be exempt from this rule.
295. Although he did not specifically discuss these two rules in his Section 42A report, Mr Barr did recommend the deletion of the clause applying more restrictive provisions, from each rule. He also recommended that a permitted activity provision be included for buildings smaller than those covered by these rules, as well as some amendments to the natural hazard matter of control under Rule 30.4.15.
296. Ms Justice<sup>230</sup> considered that the additional permitted activity rule satisfied PowerNet's concerns. Ms Dowd provided us with photographic examples of the types of equipment Aurora wanted exempted from Rule 30.4.16. It was her opinion that such equipment could be considered as controlled activities<sup>231</sup>.
297. In his Reply Statement, Mr Barr continued to recommend the three rules he recommended in the Section 42A Report with only minor amendments. He deleted the matter of control relating to natural hazards consistent with his treatment of other rules, and he deleted the reference to the Remarkables Park Zone in Rule 30.4.16<sup>232</sup> and, as a result of him accepting that provision should be made for wind electricity generation discussed above, he included an exclusion of wind electricity generation masts from these rules.
298. We are largely in agreement with the rules as presented by Mr Barr in his reply. We do not consider that providing for utility buildings of the type proposed by Aurora, even as controlled activities, in significant natural areas or the Arrowtown Residential Historic Management Zone would be consistent with the objectives and policies in the strategic chapters of this Plan, nor with the relevant provisions of s.6 of the Act.
299. The one matter where we disagree with Mr Barr is in relation to his inclusion of wind electricity masts in the rules. The rules explicitly state that they only relate to buildings associated with a utility. Electricity generation does not fall within the definition of utility. It is only equipment and lines for the transmission and distribution of electricity that fall within that definition. Thus, in our view his inclusion is unnecessary. If it were necessary, we would have also included an exemption for free-standing solar electricity generation and solar water heating.
300. Mr Barr and Mr McCallum-Clark agreed that to ensure consistency with the NESTF 2016, the exclusions should be rather more clearly expressed in each rule. We agree and have incorporated those changes.
301. Consequently, subject to some minor grammatical changes for clarification purposes, we recommend the following three rules replace Rules 30.4.15 and 30.4.16:

**30.5.1.1 Buildings associated with a Utility**

*Any building or cabinet or structure of 10m<sup>2</sup> or less in total footprint and 3m or less in height which is not located in the areas listed in Rule 30.5.1.4.*

*This rule does not apply to:*

- a. Masts or poles for navigation or meteorology;*

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<sup>230</sup> Megan Justice, EiC, paragraph 4.16

<sup>231</sup> Joanne Dowd, EiC, paragraph 42

<sup>232</sup> As this zone has been formally excluded from the PDP by the Council its deletion was automatic in any event

- b. Poles, antennas, and associated cabinets (cabinets up to 10m<sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;
- c. Lines and support structures.

Permitted activity

**30.5.1.3 Buildings associated with a Utility**

The addition, alteration or construction of buildings greater than 10m<sup>2</sup> in total footprint or 3m in height, other than buildings located in the areas listed in Rule 30.5.1.4.

This rule does not apply to:

- a. Masts or poles for navigation or meteorology;
- b. Poles, antennas, and associated cabinets (cabinets up to 10m<sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;
- c. Lines and support structures.

Control is reserved to:

- a. location;
- b. external appearance and visual effects;
- c. associated earthworks;
- d. parking and access;
- e. landscaping.

Controlled activity.

**30.5.1.4 Buildings associated with a utility**

The addition, alteration or construction of buildings in:

- a. Any Significant Natural Area
- b. The Arrowtown Residential Historic Management Area.

This rule does not apply to:

- c. Masts or poles for navigation or meteorology;
- d. Poles, antennas, and associated cabinets (cabinets up to 10m<sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;
- e. Lines and support structures.

Discretionary activity.

**5.21. Rules 30.4.17 and 30.4.18**

302. As notified, these rules provided for flood protection works. Rule 30.4.17 was a permitted activity described as follows:

**Flood Protection Works** for the maintenance, reinstatement, repair or replacement of existing flood protection works for the purpose of:

- maintaining the flood carrying capacity of water courses and/or maintaining the integrity of existing river protection works
- fill works undertaken within Activity Area 1f of the Shotover Country Special Zone

303. Rule 30.4.18 classified all other flood protection works as a discretionary activity.
304. Two submissions<sup>233</sup> on Rule 30.4.17 both sought that the rule simply state: **Flood Protection Works** for the maintenance, reinstatement, repair or replacement of existing flood protection works. The sole submission on Rule 30.4.18 noted that the definition of utility did not include flood protection works and queried the location of the rule.
305. Mr Barr neither mentioned these rules, nor recommended any change to them, in his Section 42A Report, and we heard no evidence on them. Mr Barr did respond to submission 806 and recommend including flood protection works within the definition of utility<sup>234</sup>. The only amendment recommended by Mr Barr in his reply was to clarify the relationship between the two rules.
306. We have considered the amendments sought to Rule 30.4.17. It is clear that the rule only applies to existing flood protection works, and while the term “maintenance, reinstatement, repair or replacement” could be said to encompass the condition “maintaining the flood carrying capacity of water courses and/or maintaining the integrity of the existing river protection works”, we consider the purpose of the condition is to limit the scope of permitted works, and is therefore necessary. However, we do not understand how the second condition is relevant to this rule. It relates to an area in a zone which has not been notified in Stage 1 of the PDP, and there is no evidence that the zone will ever become part of the PDP. We agree with the submitters that it should be deleted.
307. We note that Shotover Country Limited<sup>235</sup> opposed Submission 615 on the basis that there was no jurisdiction to remove the part of the rule related to the Shotover Country Special Zone as that zone had not been included in Stage 1 of the Review. We find that logic rather unusual. As we have explained above, we consider the reverse to be correct. The rule should not have been included in the PDP in the first place.
308. We recommend these rules be adopted as notified with the exception that the phrase “fill works undertaken within Activity Area 1f of the Shotover Country Special Zone” be deleted from Rule 30.4.17, and that the rules be renumbered 30.5.1.2 and 30.5.1.5 respectively.
- 5.22. **Rules 30.4.19, 30.4.20 and 30.4.21**
309. There were no submissions on Rules 30.4.19 and 30.4.20. The only submission<sup>236</sup> on Rule 30.4.21 sought its deletion.
310. Mr Barr recommended the deletion of Rule 30.4.21 in his Reply Version. We agree with that recommendation and note that as the Council has withdrawn the Remarkables Park Zone from the PDP<sup>237</sup>, this rule has automatically been removed.
311. We recommend that Rules 30.4.19 and 30.4.20 be adopted without alteration subject to being renumbered 30.5.1.6 and 30.5.1.7 respectively.

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<sup>233</sup> Submissions 607 and 635 (supported by FS1105 and FS1137, opposed by FS1294)

<sup>234</sup> Section 42A report, paragraph 9.53. Also note Submission 383 also sought the inclusion of flood protection works in the definition of utility.

<sup>235</sup> Further submission 1294

<sup>236</sup> Submission 251

<sup>237</sup> Minutes of full Council, 25 May 2017

### 5.23. Rule 30.5.6

312. This standard required that where a utility was a building, it needed to be set back from internal and road boundaries in accordance with the setback requirements for accessory buildings in the relevant zone. Non-compliance required consent as a discretionary activity.
313. There were three submissions on this rule, one seeking its retention<sup>238</sup>. PowerNet<sup>239</sup> sought that the non-compliance status changed to restricted discretionary activity. Ms Chin and Mr Vautier<sup>240</sup> sought that the rule take account of building platforms, although it was unclear how it was intended this occur.
314. Mr Barr made no comments or recommendations in respect of this rule, other than changing its number in the re-arrangement proposed in the Reply Version. Ms Justice maintained her view that restricted discretionary activity status was appropriate and suggested a matter of discretion that she considered would be suitable<sup>241</sup>. Unfortunately, as Ms Justice did not attend the hearing, we were unable to discuss her proposal with her, nor explore with her whether it covered all the matters that may be relevant.
315. Mr Barr and Mr McCallum-Clark recommended<sup>242</sup> that, to ensure consistency with the NESTF 2016, the rule should explicitly exclude:
- a. Poles, antennas, and associated cabinets (up to 10m<sup>2</sup> in area and 3m in height) for telecommunication and radio communication; and
  - b. Lines and support structures for telecommunications.
316. We agree with that recommendation.
317. In the absence of clear evidence on how the rule could be changed and still implement the relevant policies, we recommend it be adopted as notified subject to amending “shall” to “must”, inserting the exclusions recommended by Mr Barr and Mr McCallum-Clark, and changing the rule number to 30.5.2.1.

### 5.24. Rule 30.5.7

318. This standard set a maximum building size of 10m<sup>2</sup> in area and 3m in height for all utility buildings in ONLs and on ONFs. Non-compliance required a discretionary activity consent.
319. The four Telecommunication Companies<sup>243</sup> sought that the rule be deleted, while PowerNet<sup>244</sup> sought that it be retained.
320. Mr Barr discussed in detail the issue of utilities locating in ONLs and on ONFs in his Section 42A Report<sup>245</sup>. While this discussion covered the relevant objectives and policies, and several of the rules, he did not refer to this rule directly. It was not referred to by any of the other witnesses we heard from either.

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<sup>238</sup> Submission 635

<sup>239</sup> Submission 251

<sup>240</sup> Submission 368

<sup>241</sup> Megan Justice, EiC, paragraph 4.20

<sup>242</sup> Joint Witness Statement, dated 25 September 2017, at paragraph 2.1(k)

<sup>243</sup> Submissions 179, 191, 421 (supported by FS1121) and 781

<sup>244</sup> Submission 251, supported by FS1121

<sup>245</sup> Issue 4, Section 11

321. In his Reply Statement, Mr Barr discussed the issue of utilities locating in ONLs and on ONFs again, and recommended a series of rule amendments which he considered provided appropriate management of utilities while still providing safeguards to manage the adverse effects of them, particularly where matters under section 6 of the Act were at issue<sup>246</sup>. His conclusion in respect of this rule was to amend it only by excluding masts and supporting structures for lines, for which he was recommending separate controls.
322. We agree with Mr Barr's reasoning and largely accept his recommendation regarding this rule. Mr Barr and Mr McCallum-Clark also recommended<sup>247</sup> amending the exclusions consistent with Rules 30.5.1.1 [notified 30.4.15] and 30.5.1.3 [notified 30.4.16]. We agree with those amendments also.
323. We recommend some minor wording changes consistent with our wording of other rules in this chapter, such that it reads:

**30.5.2.2 Buildings associated with a Utility in Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF)**

*Any building within an ONL or ONF must be less than 10m<sup>2</sup> in area and less than 3m in height.*

*This rule does not apply to:*

- a. masts or poles for navigation or meteorology;*
- b. poles, antennas, and associated cabinets (cabinets up to 10m<sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;*
- c. lines and support structures.*

Non-compliance requires a discretionary activity consent.

**5.25. Rule 30.5.8**

324. This rule provided that all buildings and structures, other than masts and antennas, had to comply with the relevant maximum height limits of the zone they were located in. Non-compliance required consent as a discretionary activity.
325. Five submissions sought the deletion of this rule<sup>248</sup>, and two sought amendments<sup>249</sup>. The submissions seeking amendments both sought exclusion of line supporting structures from the rule.
326. Mr Barr did not discuss this rule in his Section 42A Report and did not recommend any changes to it. While Mr McCallum-Clark recommended deletion of the rule, he did not clearly set out in his evidence reasons in support of that deletion. Ms Justice<sup>250</sup> explained that, in terms of support structures, the Electricity Industry Standards and Regulations set out minimum safety separation distances which control the height of support structures, and that no utility provider would use support structures higher than necessary.
327. Mr Barr did not discuss this in his Reply Statement and the only amendment he recommended was a re-ordering of the exemption wording in the rule.

<sup>246</sup> Craig Barr, Reply Statement, Section 11

<sup>247</sup> Joint Witness Statement dated 25 September 2017 at paragraph 2.1(d)

<sup>248</sup> Submissions 179, 191, 368, 421 (supported by FS1121) and 781 (supported by FS1342)

<sup>249</sup> Submissions 251 and 638

<sup>250</sup> Megan Justice, EiC, paragraph 4.21

328. We agree with PowerNet and Aurora that support structures should be exempt from this rule in the same way that masts and antennas are. We note, in coming to this conclusion, that as there is no underlying zoning of roads, there is effectively no height limit on line support structures when they are located in the road reserve due to the operation of s.9 of the Act. It would seem inconsistent to provide that support structures within the road reserve have no height restriction, but if they need to locate outside of the road reserve they need to reduce height to that applying to buildings in the relevant zone (or obtain a consent). We also agree that achieving appropriate safety separation distances for electricity lines is important, and that electricity lines companies are unlikely to use support structures taller than necessary.
329. Mr Barr and Mr McCallum-Clark recommended<sup>251</sup> the exclusion be worded consistent with that recommended for the previous rule. We agree that such consistency is appropriate.
330. For those reasons we recommend this rule read:

**30.5.2.3 Height**

*All buildings or structures must comply with the relevant maximum height provisions for buildings of the zone they are located in.*

*This rule does not apply to:*

- a. masts or poles for navigation or meteorology;*
- b. poles, antennas, and associated cabinets (cabinets up to 10m<sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;*
- c. lines and support structures.*

Non-compliance requires a discretionary activity consent.

**5.26. Rule 30.5.9**

331. This rule required that all utilities' development comply with NZS4404:2011. Non-compliance required consent as a discretionary activity.
332. Four submissions sought that rule be deleted<sup>252</sup>, while PowerNet<sup>253</sup> sought that the consent required for non-compliance be changed to restricted discretionary activity.
333. Although not discussed in his Section 42A Report, Mr Barr recommended deletion of the rule. It is our understanding that the relevant standard applies to earthworks related to subdivision<sup>254</sup>. There does not seem to be any direct relationship to utilities' development. We agree with the QLDC submission<sup>255</sup> that compliance with such standards, to the extent it is required, would be achieved through other legislation.
334. We recommend the rule be deleted.

**5.27. New Rules Relating to Telecommunications**

335. The evidence provided by the Telecommunications Companies<sup>256</sup> was that the changing technology of telecommunications, combined with the increasing demand for mobile services,

<sup>251</sup> Joint Witness Statement dated 25 September 2017 at paragraph 2.1(d)

<sup>252</sup> Submissions 179, 191, 383, 421 (supported by FS1121) and 781

<sup>253</sup> Submission 251

<sup>254</sup> Reasons given in Submissions 179, 191, 421 and 781

<sup>255</sup> Submission 383.

<sup>256</sup> G McCarrison and C Clune, Joint EiC, and M McCallum-Clark, EiC at paragraph 34



meant there was a move to small and microcells. Mr McCallum-Clark identified that if specific provision was not made for such infrastructure there was a risk that it would default to discretionary status, which, he considered, would be inappropriate.

336. Mr McCallum-Clark proposed two new activity rules<sup>257</sup>:
- a. Permitted activity status for small cells with a volume of no greater than 0.11m<sup>3</sup>; and
  - b. Controlled activity status for cells with a volume of between 0.11m<sup>3</sup> and 2.5m<sup>3</sup>, with control reserved to appearance, colour and visual effects.
337. Mr Barr largely agreed with Mr McCallum-Clark's proposal<sup>258</sup>, although he considered that such cells should require a discretionary activity consent when located within a heritage precinct. His proposed rules<sup>259</sup> also provided that any small cell with a volume exceeding 2.5m<sup>3</sup> would require discretionary activity consent.
338. Following caucusing, Mr Barr and Mr McCallum-Clark recommended further changes to these rules<sup>260</sup>. First, they recommended that the permitted activity refer to "small cell unit" consistent with the use of the term in the NESTF 2016 (Regulation 38), and that a definition of "small cell unit" the same as that in the NESTF 2016 be included in the PDP. They also recommended that the reference to "small cell" in the other two rules be changed to "microcell".
339. We agree with the reasoning of Mr McCallum-Clark and Mr Barr in respect of these three proposed rules and the proposed definition, with one exception. Mr Barr's reply version provided that small cell units (as defined in the NESTF 2016) would be a discretionary activity when located within a heritage precinct. That is consistent with Regulations 38 and 46 of the NESTF 2016. However, the wording changes proposed in the Joint Witness Statement, although described as being "a minor clarification"<sup>261</sup> have the effect of making small cell units a permitted activity in heritage precincts. Given the lack of explanation for this change in the Joint Witness Statement we do not consider that was intended, nor do we consider it appropriate as it does not give effect to the objectives and policies of the PDP as they apply to heritage precincts.
340. Consequently we recommend the following three new rules be inserted:

**30.5.6.11 Small Cell Units**

*Provided that the small cell unit is not located within a Heritage Precinct*

Permitted activity

**30.5.6.12 Microcells**

*A microcell and associated antennas with a volume of between 0.11m<sup>3</sup> and 2.5m<sup>3</sup>.*

*Provided that the microcell is not located within a Heritage Precinct*

*Control is reserved to:*

- a. appearance;*
- b. colour; and*

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<sup>257</sup> Proposed Rules 30.4.28 and 30.4.29 in the amended version of Chapter 30 attached to his EIC

<sup>258</sup> C Barr, Reply Statement at paragraph 10.1

<sup>259</sup> C Barr, Reply Statement, Appendix 1, Rules 30.4.51, 30.4.52 and 30.4.53

<sup>260</sup> Joint Witness Statement dated 25 September 2017, at paragraphs 2.1(l), 2.1(m), 2.1(n) and 2.1(o)

<sup>261</sup> *ibid* at paragraph 2.1(o)

c. *visual effects*

Controlled activity

30.5.6.13 **Small Cell Units and Microcells**

30.5.13.6.1 *A microcell and associated antennas with a volume more than 2.5m<sup>3</sup>*

OR

30.5.6.13.2 *A small cell unit or microcell located within a Heritage Precinct*

Discretionary activity

341. We also recommend to the Stream 10 Hearing Panel that a new definition of “small cell unit”, as defined in the NESTF 2016, be included in Chapter 2.

5.28. **Rule 30.6**

342. This rule set out the situations in which resource consent applications for activities that would not require written consent of other person and not be notified or limited notified.

343. There were two submissions on this rule. One submission<sup>262</sup> sought that where it applied to small and community scale distributed electricity generation, it only apply to proposals having a rated capacity of less than 3.5kW. The second<sup>263</sup> sought that notification occur for renewable energy systems over 1.2m in height.

344. Mr Barr discussed this in detail in his Section 42A Report. He noted that stand alone power systems and small and community scale distributed electricity generation are to be controlled through a series of performance standards. Non-compliance with those performance standards could have adverse effects on neighbours. He recommended deleting stand-alone power systems and small and community scale distributed electricity generation from this rule, leaving the circumstances of each application to determine whether an application be notified or not.

345. We agree with Mr Barr. We add that the proposed location of such activities in one of the sensitive locations listed in [notified] Rule 30.4.3 may also justify public notification, depending upon the circumstances of the proposal. We note that the further submission by Queenstown Park Limited opposing Submission 20 gave as its reasons that applications for utilities should generally not be notified. The activities the submission refers to are not utilities, rather they are renewable electricity generation activities.

346. In his Reply Statement, Mr Barr recommended two exceptions to the proposed rule (30.6.1.3) exempting controlled activity applications from notification, both related to activities near the National Grid. The additional wording recommended by Mr Barr read:

*... except for applications when within the National Grid Corridor or within 45 m of the designated boundary of Transpower New Zealand Limited’s Frankton substation.*

347. We understood from Mr Renton, as we have discussed above in Section 5.16, that Transpower preferred to work with landowners to ensure buildings and structures close to the Frankton

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<sup>262</sup> Submission 383

<sup>263</sup> Submission 20 opposed by FS1097.

Substation could be erected. It was the nature of materials and way buildings and structures were erected that was critical. From that understanding, we agree that applications under our recommended Rule 30.5.3.4 not be exempt from notification. There is value in Transpower having the ability to be involved in any such application.

348. The exemption is relation to applications in the National Grid Corridor recommended by Mr Barr is superfluous as there are no rules that we are recommending that are controlled activities in that corridor. Under recommended Rules 30.5.3.2 and 30.5.3.3 certain activities are permitted. Activities not meeting the standards applicable to those permitted activities requires consent as a non-complying activity (Rules 30.5.4.1 and 30.5.4.2).
349. Consequently, we recommend that 30.6.1.1 and 30.6.1.2 be deleted from Rule 30.6 and the remaining two clauses be renumbered, and what is now 30.6.1.1 read:

*Controlled activities except for applications when within 45 m of the designated boundary of Transpower New Zealand Limited's Frankton substation.*

## 5.29. Summary of Conclusions on Rules

350. We have set out in full in Appendix 1 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that these rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 30, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

## 6. CHANGES SOUGHT TO DEFINITIONS

### 6.1. Introduction

351. Submitters on this Chapter also lodged submissions on a number of notified definitions and also sought the inclusion of several new definitions. In accordance with the Hearing Panel's directions in its Second Procedural Minute dated 5 February 2016, we heard evidence on these definitions and have considered them in the context of the rules which apply them. However, to ensure a consistent outcome of consideration of definitions, given the same definition may be relevant to a number of hearing streams, our recommendations in this part of the report are to the Hearing Stream 10 Panel, who have overall responsibility for recommending the final form of the definitions to the Council. As the recommendations in this section are not directly to the Council, we have listed the wording we are recommending for these definitions in Appendix 5.
352. We note that we have already dealt with the following definitions relevant to the rules relating to the National Grid in Section 5.15 above:
- a. National Grid Corridor;
  - b. National Grid Yard;
  - c. National Grid Sensitive Activities;
  - d. Sensitive Activities – Transmission corridor;
  - e. Artificial crop protection structure;
  - f. Crop support structure;
  - g. Earthworks within the National Grid Yard; and
  - h. Protective canopy.

We do not discuss those further.

353. In Section 5.14 above we dealt with the definition of “minor upgrading”.
354. Transpower<sup>264</sup> lodged submissions supporting the definitions of “amenity” and “structure”. As both are terms defined in s.2 of the Act we consider no further discussion of these submissions is warranted. We recommend the submissions be accepted.
355. Aurora<sup>265</sup> lodged a submission supporting the definition of “development”. In the context of this chapter, we recommend that submission be accepted.
356. The Telecommunication Companies<sup>266</sup> lodged submissions supporting the definition of “height” and sought its retention. In the context of this chapter, we recommend those submissions be accepted.
357. Two of the definitions sought by Aurora<sup>267</sup> were directly related to its submission seeking rules to impose setbacks from certain of its lines. We discussed this part of Aurora’s submission in detail in Section 2.2 above and recommended that it not be adopted. As the two definitions would only need to be included in the PDP if we had accepted that submission, we recommend that the submission seeking the inclusion of definitions for “critical electricity lines” and “electricity distribution line corridor” be rejected.

## 6.2. Building

358. As notified, this was defined as:

**Building** *Shall have the same meaning as the Building Act 2004, with the following exemptions in addition to those set out in the Building Act 2004:*

- *Fences and walls not exceeding 2m in height.*
- *Retaining walls that support no more than 2 vertical metres of earthworks.*
- *Structures less than 5m<sup>2</sup> in area and in addition less than 2m in height above ground level.*
- *Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2m in diameter), less than 2m in height above ground level.*
- *Uncovered terraces or decks that are no greater than 1m above ground level.*
- *The upgrading and extension to the Arrow Irrigation Race provided that this exception only applies to upgrading and extension works that involve underground piping of the Arrow Irrigation Race.*
- *Flagpoles not exceeding 7m in height.*
- *Building profile poles, required as part of the notification of Resource Consent applications.*
- *Public outdoor art installations sited on Council-owned land.*
- *Pergolas less than 2.5 metres in height either attached or detached to a building.*
- *Notwithstanding the definition set out in the Building Act 2004, a building shall include:*

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<sup>264</sup> Submission 805

<sup>265</sup> Submission 635

<sup>266</sup> Submissions 179, 181, 421 and 781

<sup>267</sup> Submission 635

- *Any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for residential accommodation for a period exceeding 2 months.*

359. The Telecommunication Companies<sup>268</sup> sought that this be amended to refer to the Building Act 2004 definition. Their submission was that the inclusion of a number standards in the definition caused confusion and that such standards should be included in the rules rather than the definition. Transpower<sup>269</sup> supported the notified definition.

360. Mr Barr agreed with the further submission by Arcadian Triangle Ltd<sup>270</sup> that the definition had been used in the ODP for at least 20 years and that it was preferable to have the exemptions listed in one place, rather than scattered repeatedly through the rules. Mr McCallum-Clark did not address this issue in his evidence and omitted this definition from his list of recommended changes to definitions<sup>271</sup>.

361. In the absence of any evidence in support of this definition being amended, we recommend the submissions of the Telecommunication Companies and the further submissions in support be rejected, and Transpower’s submission and the further submissions in opposition by Arcadian Triangle Ltd be accepted.

### 6.3. Telecommunications Facility

362. As notified, this read:

**Telecommunications Facility** *Means devices, such as aerials, dishes, antennae, wires, cables, casings, tunnels and associated equipment and support structures, and equipment shelters, such as towers, masts and poles, and equipment buildings and telephone boxes, used for the transmitting, emission or receiving of communications.*

363. The Telecommunication Companies<sup>272</sup> sought minor amendments to the wording of this definition. Mr Barr noted<sup>273</sup> that with the replacement of the word ‘facilities’ with the word ‘mast’ in the relevant rules, this definition becomes redundant and should be deleted.

364. We agree with Mr Barr’s assessment and recommend the definition be deleted.

### 6.4. Utility

365. As notified, this read:

**Utility** *Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including but not limited to:*

- *transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity;*
- *pipes and necessary incidental structures and equipment for transmitting and distributing gas;*

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<sup>268</sup> Submissions 179 (supported by FS1097, opposed by FS1255), 191 (supported by FS1097, opposed by FS1255), 421 (opposed by FS1117 and FS1097) and 781

<sup>269</sup> Submission 805

<sup>270</sup> FS1255

<sup>271</sup> Matthew McCallum-Clark, EiC, Appendix

<sup>272</sup> Submissions 179, 191, 421 and 781 (supported by FS1342)

<sup>273</sup> C Barr, Reply Statement, paragraph 14.1

- *storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage;*
- *water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks);*
- *structures, facilities, plant and equipment for the treatment of water;*
- *structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications (see definition of telecommunication facilities);*
- *structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards;*
- *structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards.*
- *structures, facilities, plant and equipment necessary for navigation by water or air;*
- *waste management facilities; and*
- *Anything described as a network utility operation in s166 of the Resource Management act 1991*
- *Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.*

366. Seven submissions on this definition sought the following changes:
- a. Add “flood protection works”<sup>274</sup>;
  - b. Include “substations”<sup>275</sup>;
  - c. Include “temporary emergency generators” by excluding them from the exclusion of electricity generation facilities<sup>276</sup>;
  - d. Add “antennas, lines (including cables)” to the 6<sup>th</sup> bullet point<sup>277</sup> or alternatively delete the definition and replace with the definition of “infrastructure” from the Act; and
  - e. Add “structures for transport on land by cycleways, rail, roads, walkway, or any other means”<sup>278</sup>.
367. Transpower<sup>279</sup> supported the definition but sought a minor grammatical change to refer to transmission of electricity in the singular.
368. In his Section 42A Report<sup>280</sup>, Mr Barr recommended that substations and flood protection works be included in the definition, but that other submissions be rejected. Mr MacColl, appearing for NZTA, disagreed with Mr Barr’s assessment that structures for land transport were not utilities<sup>281</sup>. He noted that NZTA was a network utility operator and thus its roading network, through the inclusion in the definition of anything described as a network utility operation by the Act, was a utility. Queenstown Park Ltd supported the NZTA amendment

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<sup>274</sup> Submission 383

<sup>275</sup> Submission 635 supported by FS1301

<sup>276</sup> Submission 635

<sup>277</sup> Submissions 179 (opposed by FS1132), 191 (supported by FS1121, FS1097), 421 and 781 (supported by FS1342)

<sup>278</sup> Submission 719 supported by FS1097

<sup>279</sup> Submission 805

<sup>280</sup> Craig Barr, Section 42A Report, paragraphs 9.53 to 9.57

<sup>281</sup> Anthony MacColl, EiC, paragraphs 21 to 22

provided it included gondolas<sup>282</sup>. Mr Fitzpatrick appeared in support of this further submission and Mr Young filed written legal submissions.

369. In his Reply Statement, Mr Barr expressed the concern that the definition of utilities was potentially too enabling, as it could allow any person to apply the utility chapter to their activities, irrespective of whether it was an essential service to the community. He considered that the definition should simply confirm that the chapter applies only to network utility operators<sup>283</sup>. Otherwise, he did not recommend any further amendments to the definition.
370. We have some sympathy with the concerns expressed by Mr Barr in his Reply Statement. When looked at closely, for the most part the definition repeats, although with different wording, the activities described in s.166 of the Act which are undertaken by network utility operators. There are some additional activities included such as works for protection from natural hazards, waste management facilities, and facilities for meteorological activities. However, the phrase used to include reference to s.166 actually refers to the operations listed, and is not limited to network utility operators. This means, for instance, that the private operation of a road would be deemed a utility for the purposes of Chapter 30. It is exemplified by the submissions of Queenstown Park Limited suggesting that a gondola proposal of the company's should be considered a utility because it would offer a form of land transport.
371. We agree with Mr Barr that there is no scope to modify the definition to deal with this matter. We do recommend that the Council review this definition and consider, in the context of the provisions of Chapter 30 as we are recommending them, whether it is actually providing for the operations they expect it to be providing for.
372. As for the definition itself, we agree with Mr Barr that flood protection works and substations should be included. We do not consider it necessary to exclude temporary emergency generators from the exclusion as we have recommended rules in the Energy Section of the chapter to provide for such activities as generation activities. We do not consider the inclusion the NZTA sought is necessary. Rather, we consider retaining their operations through the wording of s.166 is preferable to widening it in the way the NZTA submission sought.
373. We consider the addition sought by the Telecommunication companies to be a "belts and braces" approach. The definition of Telecommunication Facilities includes those terms. It would actually be cleaner to just replace the entire 6<sup>th</sup> bullet point with the term Telecommunication Facilities, but we do consider there to be scope to make such a change.
374. We additionally note, however, for the reasons discussed in Section 4.3 above, that in our view the Council should initiate a variation to exclude airport activities and airport related activities occurring within the Airport Mixed Use zone from the definition of Utility.
375. For all of those reasons we recommend the definition of utility be as follows<sup>284</sup>:

**Utility** *Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including but not limited to:*

- a. substations, transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity;*

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<sup>282</sup> Further submission 1097

<sup>283</sup> Craig Barr, Reply Statement, paragraphs 14.11 to 14.13

<sup>284</sup> We have changed the bullet points to an alphabetic list for ease of future reference

- b. pipes and necessary incidental structures and equipment for transmitting and distributing gas;
- c. storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage;
- d. water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks);
- e. structures, facilities, plant and equipment for the treatment of water;
- f. structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications (see definition of telecommunication facilities);
- g. structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards;
- h. structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards.
- i. structures, facilities, plant and equipment necessary for navigation by water or air;
- j. waste management facilities;
- k. flood protection works; and
- l. Anything described as a network utility operation in s166 of the Resource Management act 1991
- m. Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.

#### 6.5. Energy Activities

376. QLDC<sup>285</sup> sought the inclusion of a new definition of energy activities to read:

***Energy Activities***

- *Small and Community-Scale Distributed Electricity Generation and Solar Water Heating*
- *Renewable Electricity Generation*
- *Non-renewable Electricity Generation*
- *Wind Electricity Generation*
- *Solar Electricity Generation*
- *Solar Water Heating*
- *Stand-Alone Power Systems (SAPS)*
- *Biomass Electricity Generation*
- *Hydro Generation Activity*
- *Mini and Micro Hydro Electricity Generation*

377. Mr Barr recommended inclusion of this submission so as to provide clarity on which activities would be intended covered by the rules on energy activities, and that it would limit the possibility for unintended activities to be applicable<sup>286</sup>. There were no further submissions and no other evidence on this submission.

378. We agree with Mr Barr’s reasoning, but note that in his suggested wording he has added “Includes the following” before the list of activities. Those words undermine his rationale for

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<sup>285</sup> Submission 383

<sup>286</sup> Craig Barr, Section 42A Report, paragraphs 9.24 and 9.25



the definition by allowing for other non-listed activities to be included. We also doubt that there is scope to widen the definition in that way. We agree the definition needs some introductory words but consider that such words should limit the term “energy activities” to those in the list and no others. Therefore, we recommend the definition read:

**Energy Activities** means the following activities:

- a. Small and Community-Scale Distributed Electricity Generation and Solar Water Heating;
- b. Renewable Electricity Generation;
- c. Non-renewable Electricity Generation;
- d. Wind Electricity Generation;
- e. Solar Electricity Generation;
- f. Solar Water Heating;
- g. Stand-Alone Power Systems (SAPS);
- h. Biomass Electricity Generation;
- i. Hydro Generation Activity;
- j. Mini and Micro Hydro Electricity Generation.

## 6.6. Electricity Distribution

379. Aurora<sup>287</sup> sought the inclusion of a new definition of electricity distribution to read as follows:

**Electricity Distribution** Means the conveyance of electricity via electricity distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets and ancillary buildings and structures, including communication equipment, by a network utility operator. For the avoidance of doubt, this includes, but is not limited to Aurora Energy Limited assets shown on the planning maps.

380. Mr Barr noted that Federated Farmers opposition was to the critical lines network provisions we dealt with earlier in this report, and they did support the notion of clarifying the lines which were not part of the national grid. Transpower supported the submission for similar reasons. Mr Barr supported the inclusion of a definition to achieve that distinction and recommended the Aurora definition be adopted, subject to deletion of the last sentence. We heard no other evidence on this definition.

381. We agree that it would be useful for the PDP to include a definition distinguishing those electricity lines that do not form part of the national grid. We recommend the definition, as modified by Mr Barr, be adopted.

## 6.7. Regionally Significant Infrastructure

382. Two submissions<sup>288</sup> sought the inclusion of a definition of regionally significant infrastructure. Each definition was different so we do not repeat them here.

383. Mr Barr identified that this definition had been considered in the Stream 1B hearing<sup>289</sup>. He adopted the definition recommended by Mr Paetz in that hearing, but modified it to include reference to the sub-transmission network (Mr Barr’s term for Aurora’s “critical electricity lines”).

384. The only submissions in relation to this definition were from Mr Young on behalf of Queenstown Park Ltd. He submitted that if the gondola QPL intends to construct proceeded,

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<sup>287</sup> Submission 635 supported by FS1301, opposed by FS1132

<sup>288</sup> Submissions 635 (supported by FS1077, FS1211, FS1097, opposed by FS1132) and 805 (supported by FS1121, FS1159, FS1340, FS1077, FS1106, FS1208, FS1211, FS1253)

<sup>289</sup> Craig Barr, Section 42A Report, paragraphs 9.2 to 9.8.

it would be a significant addition to Queenstown’s tourist offering. However, we cannot see how that, nor the connection of the Remarkables Park Zone to the Remarkables ski field as referred to by Mr Young, are regionally significant. In our view, for infrastructure to be regionally significant it must do more than just serve this district.

385. We have considered the Recommendation Report of the Stream 1B Panel and agree with that Panel’s conclusion<sup>290</sup> that the identification of regionally significant infrastructure is primarily a matter for the Regional Council, except where the proposed RPS might be considered ambiguous or inapplicable. We adopt that Panel’s reasoning and recommend the definition be worded as that Panel recommended.

#### 6.8. Support Structure

386. Aurora<sup>291</sup> sought the inclusion of a definition of support structure reading as follows:

***Support Structure** Means a utility pole or tower that forms part of the electricity distribution network or National Grid that supports conductors as part of an electricity distribution line or transmission line. This includes any ancillary equipment, such as communication equipment or transformers, used in the conveyance of electricity.*

387. Mr Barr agreed that adding this definition would add clarity to the rules as the term is used in several places<sup>292</sup>. He also considered whether it should be limited to electricity lines and concluded that as telecommunication lines have their own definition such a limitation would be satisfactory. He did recommend some minor word changes of a non-substantive nature.

388. The difficulty that we can see with the inclusion of the definition as recommended is that the term “support structures” is, as Mr Barr noted, used in the definition of telecommunication facility. The inclusion of this definition would mean that the reference in telecommunication facility would be limited to electricity lines, which is not what is intended. If “support structure” is to have a definition in the PDP it must be a definition which can be applied every time the term “support structure” is used.

389. We have examined our recommended text of Chapter 30 and related definitions and found that “support structure” is used both in relation to electricity lines and telecommunication lines, as well as other telecommunication facilities. We do not think that a satisfactory definition could be created to encompass all the actual uses of the term that would improve on the ordinary natural meaning of the words. We therefore recommend that this submission be rejected.

#### 6.9. Reverse Sensitivity

390. Transpower<sup>293</sup> sought the inclusion of a definition of reverse sensitivity worded as follows:

***Reverse Sensitivity:** is the legal vulnerability of an established activity to complaint from a new land use. It arises when an established use is causing adverse environmental impact to nearby land, and a new, benign activity is proposed for the land. The ‘sensitivity’ is this: if the new use is permitted, the established use may be required to restrict its operations or mitigate its effects so as not to adversely affect the new activity.*

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<sup>290</sup> Recommendation Report 3, paragraph 768

<sup>291</sup> Submission 635, supported by FS1301, opposed by FS1132

<sup>292</sup> Craig Barr, Section 42A Report, paragraphs 9.26 to 9.27

<sup>293</sup> Submission 805, supported by FS1211, opposed by FS1077

391. Mr Barr was hesitant to recommend this definition as it essentially stated caselaw from a 2008 Environment Court decision and could be subject to further refinement by the courts<sup>294</sup>.
392. Ms McLeod accepted Mr Barr's opinion and did not consider the definition was necessary<sup>295</sup>. The New Zealand Defence Force<sup>296</sup> tabled a letter accepting the recommendations in the Section 42A Report.
393. We accept that agreement between the parties and recommend that Transpower's submission seeking the reverse sensitivity definition be rejected.

#### 6.10. Small Cell Unit

394. We have explained our reasons for including this new definition in Section 5.27 above. We agree with Mr Barr and Mr McCallum-Clark<sup>297</sup> that scope for the inclusion of this definition is provided by the submissions of the Telecommunications Companies<sup>298</sup>. We recommend that the definition read:

***Small Cell Unit means a device:***

- a. *that receives or transmits radiocommunication or telecommunication signals; and*
- b. *the volume of which (including any ancillary equipment, but not including any cabling) does not exceed 0.11m<sup>3</sup>.*

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<sup>294</sup> Craig Barr, Section 42A Report, paragraphs 9.35 to 9.37

<sup>295</sup> Ainsley McLeod, EiC, p.29

<sup>296</sup> Further Submission FS1211

<sup>297</sup> Joint Witness Statement dated 25 September 2017 at paragraph 2.1(o)

<sup>298</sup> Submissions 179, 191, 421 and 781

## PART C: CHAPTER 35 - TEMPORARY ACTIVITIES AND RELOCATED BUILDINGS

### 7. PRELIMINARY

#### 7.1. General Submissions

395. Two submissions<sup>299</sup> supported the Chapter generally. No reasons were given by either submitter. As we recommend changes to various provisions in the chapter, we recommend these submissions be accepted in part.

396. Millbrook Country Club Ltd<sup>300</sup> supported the temporary activity provisions in the Chapter and considered the use of permitted activity standards was particularly efficient. Sean and Jane McLeod<sup>301</sup> also supported the temporary activity rules, but provided no explanation. They also generally supported the objectives and policies for temporary activities. Again, as we do recommend changes to these provisions, we recommend these submissions be accepted in part.

#### 7.2. 35.1 – Purpose

397. There were no submissions specifically on this section, other than the general submissions discussed above. One consequential amendment is required as a result of recommendations on submissions on relocated buildings, but we will discuss that when dealing with those submissions.

398. On reviewing the section we have identified potential ambiguities in the first paragraph which need clarification. The first sentence sets out the purpose of the temporary activity provisions as being to enable a number of activities. The list commences with “temporary events”, then lists three activities which are by their nature temporary: filming; construction activities and military training. However, it then lists “utilities” and “storage”.

399. As we understand it, having considered the objectives, policies and rules in the Chapter, the intention is that provision is made for temporary utilities and temporary storage. We consider the purpose statement should be clarified by inserting temporary before each of “utilities” and “storage” so as to avoid any misunderstanding as to the effect of this chapter. We consider such an amendment to be a minor change of no substantive effect under Clause 16(2).

### 8. 35.2 OBJECTIVES AND POLICIES

#### 8.1. Objective 35.2.1 and Policies

400. As notified these read:

**Objective** *Temporary Events and Filming are encouraged and are undertaken in a manner that ensures the activity is managed to minimise adverse effects.*

35.2.1.1 *Recognise and encourage the contribution that temporary events and filming make to the social, economic and cultural wellbeing of the District’s people and communities.*

35.2.1.2 *Permit small and medium-scale events during daytime hours, subject to controls on event duration, frequency and hours of operation.*

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<sup>299</sup> Submissions 19 and 21

<sup>300</sup> Submission 696

<sup>301</sup> Submission 391, supported by FS1211

- 35.2.1.3 *Recognise that purpose-built event facilities are designed to cater for temporary activities.*
- 35.2.1.4 *Recognise that for public spaces, temporary events are anticipated as part of the civic life of the District.*
- 35.2.1.5 *Require adequate infrastructure, waste minimisation, traffic management, emergency management, security, and sanitation facilities to be available to cater for anticipated attendants at large-scale temporary events and filming.*
- 35.2.1.6 *Ensure temporary activities do not place an undue restriction on public access.*
- 35.2.1.7 *Recognise that noise is an anticipated component of temporary events and filming, while protecting residential amenity from undue noise during night-time hours.*
- 35.2.1.8 *Enable the operation of informal airports in association with temporary community events and filming, subject to minimising adverse effects on adjacent properties.*
- 35.2.1.9 *Require all structures associated with temporary events and filming to be removed at the completion of the activity, and any damage in public spaces to be remediated.*

401. The submissions on this objective and related policies were as follows:
- a. Support/retain Objective 35.2.1<sup>302</sup>;
  - b. Retain Policy 35.2.1.1<sup>303</sup>;
  - c. Amend Policy 35.2.1.2 by including “weddings” and “temporary functions” and deleting the daytime hours limitation<sup>304</sup>;
  - d. Retain Policy 35.2.1.5<sup>305</sup>;
  - e. Amend Policy 35.2.1.7 so it is aimed at protecting residential activities in residential zones rather than residential amenities<sup>306</sup>;
  - f. Retain Policy 35.2.1.8<sup>307</sup>;
  - g. Include a new policy concerning airspace around Queenstown and Wanaka airports<sup>308</sup>.
402. Ms Banks explained that the inclusion of weddings and temporary functions in Policy 35.2.1.2 was unnecessary as they fell within the definition of temporary activities<sup>309</sup>. She also explained that Policy 35.2.1.2, as notified, was designed to support the rule framework that specifies circumstances in which temporary activities can be exempt from noise limits. In her opinion, to delete the daytime hours limitation would undermine that framework and potentially make all temporary activities subject to noise rules of the zone they were located in<sup>310</sup>. She did not support those changes. Ms Black appeared in support of Submissions 607, 615 and 621 but

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<sup>302</sup> Submissions 197 and 433 (opposed by FS1097, FS1117)  
<sup>303</sup> Submission 433, opposed by FS1097, FS1117  
<sup>304</sup> Submissions 607, 615 (supported by FS1105, FS1137) and 621  
<sup>305</sup> Submission 719  
<sup>306</sup> Submissions 607, 615 (supported by FS1105, FS1137) and 621  
<sup>307</sup> Submission 719  
<sup>308</sup> Submission 433, supported by FS1077, opposed by FS1097, FS1117  
<sup>309</sup> Kimberley Banks, Section 42A Report, paragraph 11.20  
<sup>310</sup> *ibid*, paragraph 11.21

did not discuss any of the amendments sought by those submissions to Policy 35.2.1.2 or to Policy 35.2.1.7.

403. Turning to the issue of the airspace around Queenstown and Wanaka airports, as well as seeking a new policy, the submission also sought the inclusion of a new rule requiring restricted discretionary activity consent for temporary activities to breach the airports' obstacle limitation surfaces ("OLSs"). We deal with the policy and the rule as one issue.
404. Ms Banks questioned the need for specific restrictions in this chapter relating to the OLSs around the two airports when designations were in place to protect those OLSs<sup>311</sup>. Ms O'Sullivan, appearing in support of Submission 433, generally agreed with Ms Banks' conclusion, but suggested that an advice note could be included in the Chapter to advise those contemplating undertaking temporary activities that breaching the OLSs at Queenstown and Wanaka airports would require consent of the relevant requiring authority.
405. In her Reply Statement, Ms Banks accepted the suggestion of an advice note in Section 35.3.2 and helpfully suggested that showing the OLSs for Queenstown airport on the Planning Maps would also assist users. She included a draft version of the maps showing the various surfaces.
406. We agree that it is helpful to include information where plan users are likely to see it, but we consider the mapping solution proposed by Ms Banks would lead to the maps being too cluttered with information to be helpful. The inclusion of a note in this Chapter would be more practical. We recommend to the Council that the additional policy and rule sought not be accepted, but that the following advice note be included in Section 35.3.2:

***Obstacle limitation surfaces at Queenstown or Wanaka Airport:***

*Any person wishing to undertake an activity that will penetrate the designated Airport Approach and Land Use Controls obstacle limitation surfaces at Queenstown or Wanaka Airport must first obtain the written approval of the relevant requiring authority, in accordance with section 176 of the Resource Management Act 1991.*

407. In the absence of any evidence in respect of the other submissions seeking changes to these policies, we recommend that Objective 35.2.1 and associated policies be adopted as notified.

8.2. **Objective 35.2.2 and Policies**

408. As notified, these read:

***Objective Temporary activities necessary to complete building and construction***

35.2.2.1 *Ensure temporary activities related to building and construction work are carried out with minimal disturbance to adjoining properties and on visual amenity values.*

35.2.2.2 *Provide for small-scale retail activity to serve the needs of building and construction workers.*

35.2.2.3 *Require temporary activities related to building and construction to be removed from the site following the completion of construction, and any damage in public spaces to be remediated.*

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<sup>311</sup> *ibid*, Section 9

409. The only submission<sup>312</sup> on these provisions supported the retention of the objective. We recommend that submission be accepted and Objective 35.2.2 and associated policies be adopted as notified.

8.3. **Objective 35.2.3 and Policy 35.2.3.1**

410. As notified, these read:

**Objective** *Temporary Military Training is provided for to meet the needs of the New Zealand Defence Force.*

35.2.3.1 *Enable temporary military training to be undertaken within the District.*

411. The only submissions<sup>313</sup> on these supported the provisions. Ms Banks recommended an amendment to the objective so as to make it outcome focussed. We agree that her recommended objective is phrased as an objective and the changes are no more than minor grammatical changes. We recommend those changes be made in accordance with Clause 16(2) such that Objective 35.2.3 reads:

**Objective** *Temporary Military Training Activities are provided for.*

412. We recommend that Policy 35.2.3.1 be adopted as notified.

8.4. **Objective 35.2.4 and Policy 35.2.4.1**

413. As notified, these read:

**Objective** *Temporary Utilities needed for other temporary activities or for emergencies are provided for.*

35.2.4.1 *Enable short-term use of temporary utilities needed for other temporary activities or for emergency purposes.*

414. The only submissions on these supported them and sought their retention<sup>314</sup>. We recommend they be adopted as notified.

8.5. **Objective 35.2.5 and Policies**

415. As notified these read:

**Objective** *Temporary Storage is provided for in rural areas.*

35.2.5.1 *Permit temporary storage related to farming activity.*

35.2.5.2 *Ensure temporary storage not required for farming purposes is of short duration and size to protect the visual amenity values of the area in which it is located.*

416. Submissions on these sought:

- a. Support Objective 35.2.5<sup>315</sup>;
- b. Amend Objective 35.2.5 to include visitor and resort zones<sup>316</sup>;
- c. Support Policy 35.2.5.1<sup>317</sup>;

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<sup>312</sup> Submission 197

<sup>313</sup> Submissions 197 (supported by FS1211) and 1365

<sup>314</sup> Submissions 635 (supported by FS1211) and 1365

<sup>315</sup> Submission 197

<sup>316</sup> Submissions 607, 615 (supported by FS1105, FS1137) and 621

<sup>317</sup> Submission 600, supported by FS1209, opposed by FS1034

- d. Amend Policy 35.2.5.1 to permit storage for exploration and prospecting<sup>318</sup>;
  - e. Amend Policy 35.2.5.1 to permit storage for transport, tourism and visitor accommodation activities<sup>319</sup>;
  - f. Amend Policy 35.2.5.2 to include reference to transport, tourism and visitor accommodation activities<sup>320</sup>.
417. Ms Banks discussed the submissions by the Real Journeys group<sup>321</sup> and concluded that the objective was too limiting in that it restricted temporary storage to rural areas. She did not consider any change was needed to the policies. Ms Black supported the amendment to the objective.
418. We heard no evidence in respect of the amendment sought by NZ Tungsten Mining Limited<sup>322</sup>.
419. We agree with Ms Banks' recommended amendment to the objective. When the policies are viewed in the context of the rule to implement them (Rule 35.4.16) it is apparent that the rule and policies in combination apply in all zones. We are also of the view that there is no need to amend the policies in the manner suggested by the Real Journeys group. The policies provide a distinction that means that there is to be no limitation on storage for farming purposes, but limitations on storage for other purposes.
420. It is useful to consider Rule 35.4.16 at this time. As notified this rule provided for the following as a permitted activity:  
*Any temporary storage or stacking of goods or materials, other than for farming purposes, that does not remain on the site for longer than 3 months and does not exceed 50m<sup>2</sup> in gross floor area.*
- Note: Any temporary storage which fails to meet this permitted activity rule is subject to the rules of the relevant Zone.*
421. Three submissions on this rule sought that the note also exclude the Rural Visitor Zone Walter Peak and the Cardrona Ski Activity Area<sup>323</sup>. Ms Banks considered that the purpose of this Chapter was to provide for temporary activities throughout the district, not include or exempt certain zones<sup>324</sup>.
422. We agree with Ms Banks that the provisions should be designed for general application. Matters specific to a zone should be included in the provisions of that zone. We also note that to accept the submitters' relief would mean they could not rely on it for temporary storage in the locations specified. We doubt that was the submitters' intention.
423. We do have some concerns with the construction of this rule. It is clear that it provides for non-farming activities to have temporary storage of goods subject to the time and area limitations in the rule. That clearly implements Policy 35.2.5.2. What the rule does not do is implement temporary storage related to farming, and it appears that, by application of Rules

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<sup>318</sup> Submission 519, supported by FS1015, opposed by FS1356

<sup>319</sup> Submissions 607, 615 (supported by FS1105, FS1137) and 621

<sup>320</sup> Submissions 607, 615 (supported by FS1105, FS1137) and 621

<sup>321</sup> Submissions 607, 615 and 621

<sup>322</sup> Submission 519

<sup>323</sup> Submissions 607, 615 (supported by FS1105, FS1137) and 621

<sup>324</sup> Kimberley Banks, Section 42A Report, paragraph 11.30



35.4.1, such activity is actually a discretionary activity. That represents a failure to implement Policy 35.2.5.1.

424. We also are concerned about the use of an advice note to effectively state the non-compliance status of an activity failing to meet a standard. In our view this rule needs to be reviewed and rewritten to implement the relevant policies and to clearly state as a rule at what point specific zone rules apply. There is no scope in the submissions that enable us to recommend any changes to correct these problems. We recommend the Council consider a variation to remedy them.

425. Returning to Objective 35.2.5, we recommend it read:  
**Objective Temporary Storage is provided for.**

426. We recommend the policies be adopted as notified.

#### 8.6. Relocated Buildings

427. It is sensible to consider the objectives, policies and rules for relocated buildings in a single discussion. House Movers<sup>325</sup> lodged a broad submission seeking the replacement of provisions relating to relocated buildings, focused on reducing the complexity of obtaining consents for relocated buildings in the District. Mr Leece and Ms Koblenia<sup>326</sup>, on the contrary, sought that the objective and rules be focussed on minimising the effects on residential amenity values from relocated buildings being located in the District.

428. As notified, the objective (35.2.6) and policies relevant to this topic read:  
**Objective Relocated buildings are located and designed to maintain amenity and provides a positive contribution to the environment.**

35.2.6.1 *Relocated buildings provide a quality external appearance, and are compatible with the amenity of the surrounding environment.*

35.2.6.2 *Provision of wastewater, stormwater and water infrastructure minimises adverse effects.*

429. As notified, the rules provided for two tiers of relocated buildings in residential zones:

- a. The following were provided for as permitted activities:
  - i. a new build relocated residential unit that has been purpose built for relocation
  - ii. a shipping container
  - iii. an accessory building under 30m<sup>2</sup> in gross floor area that is not a shipping container
  - iv. the repositioning of an existing lawfully established residential unit, residential flat or accessory building within its own site.
- b. The relocation of any building that had previously been designed, built and used for residential purposes (but not purpose built for relocation) was a controlled activity with the matters of control reserved to:
  - i. the reinstatement works that are to be completed to the exterior of the building
  - ii. the timeframe for placing the building on permanent foundations and the closing in of those foundations

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<sup>325</sup> Submission 496, opposed by FS1340

<sup>326</sup> Submission 126

- iii. the nature of other works to be undertaken to ensure the building is compatible with the amenity values of the area
    - iv. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.
430. In a rural zone, all relocated buildings and shipping containers, to a maximum of one per site, were a controlled activity with the matters of control as for the residential controlled activity.
431. In addition to the broad submissions noted above:
- a. One submission supported Objective 35.2.6<sup>327</sup>;
  - b. One submissions supported Rule 35.4.4<sup>328</sup>; and
  - c. One submissions sought the rewrite of Rule 35.4.2 and the deletion of Rules 35.4.3 and 35.4.4<sup>329</sup>;
  - d. One submissions sought the deletion of the term “shipping containers” from Rule 35.4.4<sup>330</sup>.
432. The relief sought by Submission 383 was that all relocated buildings, other than a shipping container or an accessory building smaller than 36m<sup>2</sup>, would be controlled activities in all zones.
433. Ms Banks discussed these provisions at some length in her Section 42A Report<sup>331</sup>. It was her conclusion at that point that:
- a. Relocated buildings should be treated the same across all zones;
  - b. Controlled activity consent should be required for all relocated buildings;
  - c. Shipping containers should be removed from these rules and treated as buildings (as per the definition of “building”);
  - d. The definition of “relocated building” exclude pre-fabricated buildings delivered dismantled to a site;
  - e. The concern of QAC<sup>332</sup> that relocated buildings be appropriately insulated was covered by the requirement that the provisions of the relevant zone apply in addition to the relocation provisions.
434. At the hearing, Mr Ryan presented submissions on behalf of House Movers, and Mr Scobie tabled a brief of evidence. Mr Ryan’s submissions were, in essence, that relocated buildings should be provided for as permitted activities subject to a number of performance standards, relying on the Environment Court’s decision<sup>333</sup> in Central Otago District regarding rules for relocated dwellings. In that decision, the Environment Court concluded that, in the absence of identifiable differences in effects, relocated buildings should not be treated differently to *in situ* built housing.

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<sup>327</sup> Submission 197

<sup>328</sup> Submission 600, supported by FS1209, opposed by FS1034

<sup>329</sup> Submission 383

<sup>330</sup> Submission 519, supported by FS1015, opposed by FS1356

<sup>331</sup> Pages 10 -24

<sup>332</sup> FS1340

<sup>333</sup> New Zealand Heavy Haulage Association Inc v Central Otago District Council, C45/2004

435. The performance standards Mr Ryan submitted should apply to the a permitted activity for relocated buildings were<sup>334</sup>:
- a. *Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have been previously designed, built and used as a dwelling.*
  - b. *A building pre-inspection report prepared by a licenced building practitioner shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the buildings.*
  - c. *The building shall be located on permanent foundations approved by building consent, no later than 2 months of the building being moved to the site.*
  - d. *All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting (b) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.*
  - e. *The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the 12 month period.*
436. It was Mr Ryan’s submission that the standards were enforceable, had the advantage of being known in advance, and had lower transaction fees than a consent application. Of particular concern of the House Movers was the QLDC submission<sup>335</sup> seeking the imposition of financial bonds. Mr Ryan did agree that relocated buildings should comply with the applicable zone standards, including noise insulation where required. He thus accepted the point raised by QAC.
437. Mr Scobie’s evidence described the house moving process and provided us with an example “Building Pre-Inspection Report for Relocation”. Mr Scobie also attached to his evidence a map showing the activity status for relocated building for each district in the country.
438. In her Reply Statement, Ms Banks maintained her opinion that relocated buildings should be a controlled activity. She had undertaken a review of consents for relocated buildings since 2014. These numbered 30, and were generally subject to fairly standard conditions. These usually required reinstatement within a 6-month timeframe. She was not satisfied that the pre-inspection report proposed by Mr Ryan would be an effective way of managing the defined issues the controlled activity rule is designed to address. She also was concerned that enforcement of standards for a permitted activity would require a high level of monitoring.
439. We have given this issue considerable thought. As the district has a high cost of housing, we do not want to discourage activities which may facilitate the provision of more affordable homes. However, we can see that the regime promoted by House Movers may have consequences for the Council that may not occur in other districts. We agree with Ms Banks that permitted activities should not require monitoring or processing effort to ensure that standards are complied with. While we recognise that the PDP contains a number of standards for permitted activities, when one is dealing with buildings, those generally relate to the location of the building on the site, and in some instances exterior finishes. Those matters are readily dealt with off building permit plans. However, the performance standards proposed by House Movers would require the Council to undertake monitoring for up to 12 months to

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<sup>334</sup> Adapted from the C45/2004

<sup>335</sup> Submission 383

ensure the reinstatement work had been carried out, at the Council's cost, with no ability to recoup that cost.

440. We also note that the controlled activity process gives the applicant the opportunity to propose or request conditions that may be more appropriate to their circumstances than the fixed performance regime would do. Under that regime, to vary any of the standards would require a full discretionary activity consent. We note at this point that House Movers' submission did suggest that failure to meet the permitted activity standards should require a non-notified controlled activity consent. This was not covered in Mr Ryan's submissions and we conclude he chose not to pursue that part of the submission. We cannot see how a failure to meet performance standards can be satisfactorily managed by the Council through a consent process which requires the grant of consent and application of conditions limited to pre-stated matters, which would most likely restate the performance standards.

441. Ms Banks recommended that Objective 35.2.6 be rephrased as

*Relocated buildings maintain amenity and minimise the adverse effects of relocation and reinstatement works.*

442. We consider that captures succinctly the purpose of the Council's involvement in the process of relocation. We did not understand Mr Ryan to suggest that relocated buildings should not achieve that outcome. We understood his submission to be that the outcome could be achieved by the performance standards he proposed

443. We consider the controlled activity rule as proposed by Ms Banks in her Reply Version provides the appropriate balance between the need for certainty by the applicant along with minimal transaction costs, and the ability of the Council to adequately manage the resources of the District, both in terms of achieving the objectives the PDP sets out, and in fulfilling its monitoring role. We consider it the most effective and efficient means of achieving the reworded objective.

444. Having concluded that the controlled activity regime is the most appropriate means of managing relocated buildings, we agree with Ms Banks' recommended wording for Policy 35.2.6.1 and her redrafted Rule 35.4.2. We recommend the Council adopt the wording of Objective 35.2.6 as set out above, and the wording of Policy 35.2.6.1 as set out below. We recommend that Policy 35.2.6.2 be deleted as unnecessary.

*35.2.6.1 Provide for relocated buildings where adverse effects associated with the relocation and reinstatement are managed to provide a quality external appearance, and are compatible with the amenity of the surrounding area.*

445. We recommend that Relocated Buildings be listed in Rule 35.4.2 as controlled activities, with control reserved to:

- a. *The reinstatement works required to the exterior of the building and the timeline to execute such works;*
- b. *The timeframe for placing the building on permanent foundations and the closing in of those foundations;*
- c. *The nature of other works necessary to the relocated building to ensure the building is compatible with the amenity values of the area.*

446. Consistent with our general approach of listing permitted activities first, we recommend this rule be renumbered to 35.4.13. We have set out the provisions in full in Appendix 2.

#### 8.7. Summary

447. We have set out in Appendix 2 the recommended objectives and policies. In summary, we regard the combination of objectives recommended as being the most appropriate way to achieve the purpose of the Act in this context, while giving effect to, and taking into account, the relevant higher order documents, the Strategic Direction Chapters and the alternatives open to us. The suggested new policies are, in our view, the most appropriate way to achieve those objectives.

#### 8.8. 35.3 – Other Provisions and Rules

448. There were three submissions on this section:

- a. Delete 35.3.2.4 as it duplicates Rule 35.4.2<sup>336</sup>;
- b. Provide that any activity that is a permitted activity under this Chapter is not required to comply with the applicable zone rules<sup>337</sup>;
- c. Clarify that other District Wide Rules do not apply to temporary activities<sup>338</sup>;

449. Ms Banks considered these three submissions and concluded that:

- a. It was more helpful to have all the clarifications in one place;
- b. The notified wording of 35.3.2.3 made it clear that temporary activities did not need consents under zone rules; and
- c. That it would be useful to include a further clarification confirming that the Chapter 36 Noise provisions applied in circumstances specified by the temporary activity rules<sup>339</sup>.

450. In her Reply Statement Ms Banks additionally suggested further advice notes:

- a. Advising that the pre-fabricated buildings delivered dismantled to a site were not considered relocated buildings;
- b. Advising that food and beverages, and the sale of alcohol, were not regulated by the temporary event rules;
- c. The advice note regarding the OLSs discussed above.

451. Our amendments to this section are minor points of clarification consistent with the overall approach taken in other chapters. We agree with Ms Banks' response to the submissions and the addition of advice notes. We have changed Ms Banks' note regarding relocated buildings to make it clear that a newly built house constructed off-site and moved on to a site does not fall within the definition of relocated building. Her definition's reference to "dismantled" seemed to imply that pre-fabricated buildings needed to be dismantled again and re-fabricated on-site. We are sure that was not the intention.

452. Our other clarification, as with other chapters, is to identify that 35.3.2.1 through to 35.2.3.5 are rules for explanatory purposes, as opposed to the advice notes that follow the rules.

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<sup>336</sup> Submission 383

<sup>337</sup> Submission 837, supported by FS1211, FS1342

<sup>338</sup> Submission 1365

<sup>339</sup> Kimberley Banks, Section 42A Report, Section 15

## 9. 35.4 – RULES - ACTIVITIES

### 9.1. Rule 35.4.1

453. This rule, as notified, set as a discretionary activity:  
*Any other Activity not listed in this table.*

454. There were no submissions directly on this rule, although as noted in the discussion on relocated buildings above, House Movers did seek a different provision in respect of relocated buildings not complying with the standards proposed by that submitter.

455. In response to our questioning during the hearing, Ms Banks carefully considered the relationship of this rule and the non-compliance status of standards in Section 35.5 in some detail in her Reply Statement<sup>340</sup>. As a consequence of that analysis, she concluded plan users would be assisted by some modifications to this rule to make it clear that it was where an activity was a temporary activity or relocated building that did not satisfy the requirements of the table in Rule 35.4 that this rule took effect. She considered this a clarification that did not make any substantive regulatory changes.

456. We agree with Ms Banks that some amendment to this rule is helpful. We agree with her that the amendments are for clarification purposes and come within Clause 16(2). We have modified her wording a little to make the intent clearer. We recommend the rule be reworded as follows:

*Any Temporary Activity or Relocated Building not otherwise listed as a permitted or controlled activity in this table.*

457. We recommend that rule remain a discretionary activity. Consistent with our overall approach listing the rules with permitted activities first, followed by the more restrictive categories, we recommend this rule be the final rule in the table rather than the first, and consequently renumbered as 35.4.14.

### 9.2. Rules 35.4.2 to 35.4.4

458. These have been dealt with in our discussion of relocated buildings in section 8.6 above.

### 9.3. Rule 35.4.5 – Temporary Events

459. As notified, this rule made it a permitted activity for temporary events to occur on public conservation land subject to a valid concession for the event being held. The rule specified that the relevant noise standards for the zone did not apply.

460. The only submission on this rule supported its retention<sup>341</sup>, and there were no recommended amendments from Ms Banks. We recommend a minor grammatical change in relation to the application of noise standards such that it states “do not apply” in place of “shall not apply”. We consider this to be a minor change with no change in regulatory effect which can be made under Clause 16(2). Other than that change, we recommend the rule be adopted as notified and renumbered 35.4.1.

### 9.4. Rule 35.4.6 – Temporary Events

461. As notified this rule provided as a permitted activity for temporary events held with permanent, purpose built, hotel complexes, conference centres or civic buildings.

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<sup>340</sup> Kimberley Banks, Reply Statement, Section 3

<sup>341</sup> Submission 373

462. There were no submissions on this rule and we recommend it be adopted as notified, but renumbered as 35.4.2.

#### 9.5. Rule 35.4.7 – Temporary Events

463. As notified this rule provided for, as a permitted activity, temporary events held on Council-owned public recreation land. The activity did not need to comply with the zone noise rules, however “noise events” were not to occur during hours when the night-time noise rules of the relevant zone were in effect, other than on New Year’s Eve.

464. “Noise event” is defined in Chapter 2 as

*Noise Event Means an event, or any particular part of an event, whereby amplified sound, music, vocals or similar noise is emitted by the activity, but excludes people noise.*

*Where amplified noise ceases during a particular event, the event is not longer considered a noise event.*

465. There were no submissions in respect of this rule or the definition of noise event. Ms Banks recommended that the exclusion of the activity from zone noise standards be amended to refer to noise limits to ensure consistency throughout the Plan. We are unsure why she has recommended this alteration be made to this rule, but not to the previous rule, nor the following three rules.

466. We recommend the term remain “standard”. We do, however, consider the phrase needs to be changed to read “do not apply” consistent with our recommendation on rule 35.4.5.

467. Other than that amendment, which can be made under Clause 16(2), we recommend Rule 35.4.7 be adopted as notified, subject to being renumbered as 35.4.3.

468. We have Identified that the definition of Noise Event contains a typographical error in the second sentence, where the statement “the event is not longer” should read “the event is no longer”. We recommend to the Stream 10 Hearing Panel that this be corrected as a minor amendment using Clause 16(2).

#### 9.6. Rule 35.4.8 – Other Temporary Events

469. As notified, this rule provided, as a permitted activity, for other temporary events subject to the following restrictions:

- a. *The number of persons (including staff) participating does not exceed 500 persons at any one time*
- b. *The duration of the temporary event does not exceed 3 consecutive calendar days (excluding set up and pack down)*
- c. *The event does not operate outside of the hours of 0800 to 2000. Set up and pack down outside of these hours is permitted*
- d. *No site shall be used for any temporary event more than 12 times in any calendar 12 month period*
- e. *All structures and equipment are removed from the site within 3 working days of the completion of the event*
- f. *For the purpose of this rule the relevant noise standards of the Zone shall not apply.*

470. Submissions on this rule sought the following:

- i. Retain the rule<sup>342</sup>;

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<sup>342</sup> Submissions 438 and 719

- ii. Amend the noise exemption<sup>343</sup>
- iii. Extend the permitted hours of the activity<sup>344</sup>;
- iv. Exclude activities carried out in the Cardrona Ski Activity Area or Walter Peak Rural Visitor Zone<sup>345</sup>;
- v. Amend the fourth bullet point to limit activity to 7 times per year<sup>346</sup>;
- vi. Amend fourth bullet point to increase frequency permitted to 24 times per year<sup>347</sup>.

471. Ms Banks discussed these in her Section 42A Report. The only amendment she recommended was that the frequency of temporary events be reduced to 7 times per calendar year as requested by QLDC.
472. We agree with Ms Banks that the relief sought by the Real Journeys group<sup>348</sup>, that the Cardrona ski area and the Walter Peak Station Rural Visitor Zone be excluded from the rule, could lead to an excessive level of activity at either location relying on that activity being a temporary event. Ms Black, appearing for Real Journeys Ltd and Te Anau Developments Ltd, limited her discussion of this rule to the second bullet point. She contended that the 3 day limit, including set up and pack down was too short, pointing to activities such as the Queenstown Winter Festival or the Winter Games. We note that neither of these examples relates to the Walter Peak Rural Visitor Zone.
473. In our view, the Real Journeys group have misconstrued the purpose of this rule. It is to provide for truly temporary events locating in places where the temporary events are not the everyday activity for the site. Hence the list of limitations applying. As a permitted activity, we would not expect this rule to provide for every event an organisation may wish to hold. We consider that in circumstances where events do not meet the criteria listed in this rule, and they do not comply with the zone rules, it is appropriate for a consent to be required so that potential adverse effects on the environment can be appropriately managed. Finally on this issue, we note that the Walter Peak Rural Visitor Zone is an ODP zone and this Chapter does not apply to that zone.
474. Mr Buckham's submission<sup>349</sup> sought to limit the period that temporary activities were exempt from the zone noise standards to 0800 hours to 2000 hours, and require compliance with the noise standards outside of those hours, while extending the permitted evening hours (third bullet point) from 8pm to 12:30am. He also sought to increase the frequency permitted to 24 per calendar year.
475. Dealing with frequency first, we note Ms Banks' comments that as notified, the rule could allow 6 days or more (including set up and pack down) per month and be beyond the scope of a temporary event<sup>350</sup>. We agree that if a single site is being used for events at that frequency and for that duration, it is not temporary. To double that, as Mr Buckham seeks, could lead to half the working days each month being dedicated to such events.

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<sup>343</sup> Submission 837, supported by FS1342, opposed by FS1127

<sup>344</sup> *ibid*

<sup>345</sup> Submissions 607, 615 (supported by FS1105, FS1137), 621

<sup>346</sup> Submission 383

<sup>347</sup> Submission 837, supported by FS1342, opposed by FS1127

<sup>348</sup> Submissions 607, 615 and 621

<sup>349</sup> Submission 837

<sup>350</sup> Kimberley Banks, Section 42A Report, Section 13, p.37



476. We accept Ms Banks’ recommendation that 7 times per calendar year is a reasonable level of temporary activity as a permitted activity.
477. We did not have the benefit of hearing from Mr Buckham, but perceive that his aim concerning the hours and noise limit amendments was to allow such activities to occur longer subject to compliance with noise standards. That was the rationale stated in the further submission by Te Anau Developments Ltd<sup>351</sup>, although that was stated as applying to events going later than 10pm. Ms Black did not elaborate on this issue.
478. In the absence of any evidence in support of these changes justifying the need for them, or the adequacy of the proposed rules to ensure adverse effects do not spill over onto adjoining land, we see no reason to change them.
479. As a consequence, the only amendments we recommend to this rule are:
- a. Amend the fourth bullet point to limit occurrence to no more than 7 times per calendar year;
  - b. Consistent with our amendments to other rules, amend the final bullet point to say “do not apply” (under Clause 16(2));
  - c. Change bullet points to an alphanumeric list; and
  - d. Renumber the rule to 35.4.4.
480. The two relevant bullet points are recommended to read:
- d. *no site shall be used for any temporary event more than 7 times in any calendar year;*
  - f. *for the purpose of this rule the relevant noise standards of the Zone do not apply.*

9.7. **Rule 35.4.9 – Temporary Events – Informal Airports**

481. Although titled “Temporary Events” this rule actually provides for informal airports for rotary wing aircraft flights in association with the use of the site for temporary public events as a permitted activity. The activity is subject to the following criteria:
- *The informal airport is only used during the hours of 0800 – 2000*
  - *No site shall be used for an informal airport for more than 7 days in any calendar year*
  - *No site shall be used for an informal airport more than one day in any calendar month*
  - *The aircraft operator has notified the Council’s Planning Department concerning the use of the informal airport.*
  - *The temporary community event must be open to the general public to attend (whether ticketed or not).*

*For the purpose of this Rule:*

*The relevant noise standards of the Zone shall not apply.*

482. There was on one submission on this rule<sup>352</sup>. This sought that the activity be extended to all temporary events, be allowed to operate for 20 days per year, with no limit per month. No evidence was received in support of this submission.
483. In the absence of evidence, we are not prepared to extend this aspect of temporary events in the manner suggested by the submitter. We are satisfied that the Council has achieved a satisfactory balance with the combination of restrictions included in the rule.

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<sup>351</sup> FS1342

<sup>352</sup> Submission 837, opposed by FS1127

484. Ms Banks did suggest some minor wording changes for clarification purposes. She suggested replacing “temporary public events” with “temporary events that are open to the general public” in the description of the activity. While we agree that clarifies the nature of the event, it brings into question whether the last bullet point is necessary if that change is made.
485. Ms Banks also recommended inserting “a total of” before “7 days” in the second bullet point. She considered this necessary to clarify that it was not intended that the days be consecutive<sup>353</sup>. We do not consider this change is necessary in this rule.
486. The only changes we recommend to this rule are minor grammatical and clarification changes relying on Clause 16(2). We recommend the rule, renumbered 34.5.5, read:  
*Informal airports for rotary wing aircraft flights in association with the use of a site for temporary public events that are open to the general public provided that:*
- a. *The informal airport is only used during the hours of 0800 – 2000;*
  - b. *No site shall be used for an informal airport for more than 7 days in any calendar year;*
  - c. *No site shall be used for an informal airport more than one day in any calendar month;*
  - d. *The aircraft operator has notified the Council’s Planning Department concerning the use of the informal airport.*

*For the purpose of this Rule the relevant noise standards of the Zone do not apply.*

#### 9.8. Rule 35.4.10 – Temporary Filming

487. As notified, this rule provided for temporary filming activities on public conservation land, including use as an informal airport, as a permitted activity provided a valid concession was held for the temporary filming.
488. This rule was supported by the Director-General, Department of Conservation<sup>354</sup>. Although a further submission in opposition to this submission was listed in the Schedule of Submissions<sup>355</sup>, that was directed to an unrelated matter.

489. We recommend the rule be adopted as notified subject to renumbering as 35.4.6.

#### 9.9. Rule 35.4.11 – Temporary Filming

490. This rule provided, as a permitted activity, for temporary filming on land other than conservation land, including using land as an informal airport as part of the filming activity, subject to the following limitations:
- *The number of persons participating in the temporary filming does not exceed 200 persons at any one time within the Rural Zone, 100 persons in the Rural Lifestyle and Rural Residential Zones, and 50 persons in any other zone*
  - *Within the Rural Zone, any temporary filming activity does not occur on a site, or in a location within a site, for a period longer than 30 days, in any 12 month period.*
  - *In any other Zone, any temporary filming activity does not occur on a site for a period longer than 30 days (in any 12 month period) with the maximum duration of film shooting not exceeding 7 days in any 12 month period.*
  - *All building and structures are removed from the site upon completion of filming, and any damage incurred in public places is remediated.*

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<sup>353</sup> Kimberley Banks, Reply Statement, paragraph 7.3

<sup>354</sup> Submission 373

<sup>355</sup> Section 42A Report, Appendix 2

- *The use of land as an informal airport as part of filming activity is restricted to the Rural Zone.*

*For the purpose of this Rule:*

*The relevant noise standards of the Zone shall not apply to temporary filming and the associated use of the site as an informal airport. However Council will use its power under the Resource Management Act 1991 to control unreasonable and excessive noise.*

491. There were no submissions on this rule and Ms Banks initially made no recommendations to change it. However, following our questions as to the meaning of the second and third bullet points, Ms Banks recommended the wording of those clauses be amended to clarify that there is no requirement that days be consecutive<sup>356</sup>. We agree with her recommended wording and agree that it a minor change that falls within the ambit of Clause 16(2). Subject to those changes, changing “shall” to “do” in the last clause, changing the bullet points to an alphanumeric list, and renumbering the rule as 35.4.7, we recommend the rule be adopted as notified. The full text is set out in Appendix 2.

#### 9.10. **Rule 35.4.12 – Temporary Construction-Related Activities**

492. This rule provided for temporary construction-related activities, such as buildings, scaffolding and cranes, ancillary to a construction project as permitted activities.

493. The only submissions on this rule were from the Real Journeys group<sup>357</sup>. Their submissions sought that

- a. The rule also provide for construction of vessel survey undertaken in relation to the TSS Earnslaw and other associated structures; and
- b. Associated with construction of buildings, structure and infrastructure at Cardrona ski area and Walter Peak Rural Visitor Zone.

494. We are unsure of the rationale of the submitters given that the rule provides for temporary construction works as a permitted activity. Ms Black did not deal with this matter when she provided evidence.

495. In the absence of evidence we would only be speculating as to the intention of the submitters. We recommend the submissions be rejected and the rule be adopted as notified, subject to changing the bullet points to an alphanumeric list and renumbering as 35.4.8.

#### 9.11. **Rule 35.4.13 – Temporary Construction-Related Activities**

496. This rule provided for, as a permitted activity, the provision of temporary food/beverage retail activities for the direct purpose of serving workers of an active building or construction site.

497. Again the only submitters were the Real Journeys group<sup>358</sup>. The submissions sought the inclusion of the words so that the activity was “for the direct purpose of serving people at temporary events and functions or workers of an active building or construction project”.

498. As with the previous rule, no evidence was led by the submitter on this rule. We consider the submitters have misconceived the purpose of the rule and appear to be attempting to alter it to create a totally different activity.

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<sup>356</sup> Kimberley Banks, Reply Statement, paragraph 7.3

<sup>357</sup> Submissions 607, 615 (supported by FS1105, FS1137) and 621

<sup>358</sup> Submissions 607, 615 (supported by FS1105, FS1137) and 621

499. We recommend the submissions be rejected and the rule be adopted as notified, subject to renumbering as 35.4.9.

9.12. **Rule 35.4.14 – Temporary Military Training**

500. This rule provided for temporary military training as a permitted activity. The sole submission sought the retention of the rule<sup>359</sup>.

501. We agree and recommend the rule be adopted as notified, subject to being renumbered 35.4.10.

9.13. **Rule 35.4.15 – Temporary Utilities**

502. This rule provided for temporary utilities as a permitted activity. The sole submission sought the retention of the rule<sup>360</sup>.

503. We agree and recommend the rule be adopted as notified, subject to changing the bullet points to an alphanumeric list and the rule being renumbered 35.4.11.

9.14. **Rule 35.4.16 – Temporary Storage**

504. We have dealt with this in Section 8.5 above. We recommend that it be adopted as notified subject to being renumbered 35.4.12.

9.15. **Additional Rules Sought**

505. The Real Journeys group<sup>361</sup> sought the inclusion of two new activity rules:

- a. To permit temporary activities (including storage) carried out within the Cardrona ski area and the Walter Peak Rural Visitor Zone; and
- b. Provide a new Temporary food/beverage retail activity rule to permit the serving of people at temporary events and functions.

506. Ms Banks, in her Section 42A Report spent considerable time dealing with the various submissions by the Real Journeys group, including these two additional provisions<sup>362</sup>. In contrast, Real Journeys group presented nothing to us at the hearing on these submissions. As we have noted above, Ms Black's evidence was limited to supporting Ms Banks' recommended change to Objective 35.2.5 and one clause of Rule 35.4.6. The lack of evidence has not assisted us in understanding what the submitters are either concerned about, or what they seek that is different from what the PDP provides.

507. In our view, the simple answer is that the temporary activity provisions as we are recommending them will apply in the Cardrona ski area. As the Walter Peak Rural Visitor Zone was not notified in Stage 1, these provisions will not immediately have effect on that land as it is not included in the PDP at present (nor, should we say, would any rule we could recommend specifically apply to that zone). At a subsequent stage, when the Walter Peak area is given a zoning in the PDP, then the temporary activity rules will apply there also. Thus, in one location what is sought in (a) is unnecessary, and in the other, it cannot be provided at present in any event.

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<sup>359</sup> Submission 1365

<sup>360</sup> Submission 635

<sup>361</sup> Submissions 607, 615 (supported by FS1105, FS1137) and 621

<sup>362</sup> Kimberley Banks, Section 42A Report, Section 11

508. As to (b), we do not understand why there needs to be an additional rule specifying that people can serve food and beverages at temporary events such as weddings. In our view, such serving is part of the event.
509. We recommend both of these submission points be rejected in all three submissions.
510. QPL<sup>363</sup> sought that a consistent management approach be provided for all temporary events, whether on conservation land or private land. While a new rule was not explicitly sought, this seems the appropriate location to deal with this issue. As we understand it, where a temporary activity, whether an event or filming, is to be held on conservation land, a valid concession must be obtained. It seems appropriate to us that the applicants for such concessions need not apply additionally to the Council for a resource consent to have the same or similar matters dealt with.
511. Mr Young's submissions on this matter seems to imply that private land owners should be granted the same rights as the Council or Department of Conservation in hosting temporary events. Mr Young did not discuss the effect the Reserves Act or Conservation Act would have on applications to the Council or Department for temporary events on private land. Unfortunately, he did not attend the hearing so we were unable to discuss this matter with him, or how he his client saw that temporary events on private land were disadvantaged. Mr Fitzpatrick did not raise this matter when he appeared.
512. Ms Banks dealt with this matter in her Reply Statement<sup>364</sup>. She set out the process applicants for temporary events on Council reserve land must go through. It was her opinion, that the provisions in the PDP relating to temporary events on private land were more enabling than in the ODP, and that no further changes were required in response to this submission.
513. We agree with her assessment and recommend that this submission be rejected.

## 10. 35.5 – RULES – STANDARDS

### 10.1. Rule 35.5.1

514. As notified this rule set a requirement for shipping containers used as relocated buildings to have signage removed and to be painted where used on a site for more than 2 months. Non-compliance required consent as a non-complying activity.
515. The only submissions<sup>365</sup> on this standard sought that the two months be changed to three months.
516. Ms Banks set out in the Section 42A Report why she considered shipping containers should not be considered different from any other building and noted that the definition of building in the PDP includes the use of shipping containers as buildings in certain circumstances<sup>366</sup>. She recommended this rule be deleted (along with other provisions relating to shipping containers) and that they be managed by the relevant zone rules. She identified that the House Movers submission provided scope for this deletion.

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<sup>363</sup> Submission 806

<sup>364</sup> Kimberley Banks, Reply Statement, Section 8

<sup>365</sup> Submissions 607, 615 (supported by FS1105, FS1137) and 621

<sup>366</sup> Kimberley Banks, Section 42A Report, paragraphs 7.40 to 7.50

517. We agree with Ms Banks' assessment of the issue. The rule appears anomalous when a controlled activity consent is required for any relocated building, and the matters of control include the external appearance. We recommend that the standard be deleted, accepting in part the submissions by the Real Journeys group.

#### 10.2. Rule 35.5.2

518. This standard requires that all fixed exterior lighting be directed away from adjacent sites and roads. Failure to comply requires consent as a restricted discretionary activity with the Council's discretion limited to the effect of lighting on the amenity of adjoining properties.

519. The only submissions<sup>367</sup> on this standard sought that it not apply to "glare from lighting used for health and safety purposes". The submitters also suggested the inclusion of an additional rule stating that the glare from such lighting was a permitted activity.

520. Ms Banks did not discuss this in her Section 42A Report, but did recommend deleting "fixed exterior" from the rule based on Submission 607 and FS1097.

521. We are unsure what this standard is designed to regulate. The Section 32 Assessment suggests it is related to temporary activities<sup>368</sup> but one would not expect temporary activities to have fixed exterior lighting. Rather, one would expect temporary lighting.

522. We do not agree with Ms Banks' recommendation as that appears to do the opposite to what the submitters sought, by widening the effect of the standard to apply to all lighting. We doubt that there is scope for such a change.

523. The submitters presented no evidence or comment on this provision. We are hesitant to provide a blanket exemption for a category of lighting that is for "health and safety purposes" as that could include all lighting at a temporary event.

524. The only amendment we recommend is a minor grammatical change relying on Clause 16(2) to change "shall" to "must". In our view, the imperative of "must" is more appropriate language in a standard.

525. We recommend the rule be adopted as notified, subject the minor amendment described above and renumbering it as 35.5.1, but that the Council re-examine what the purpose of the standard is, and in the light of the results of that consideration, whether it is necessary or appropriately framed.

#### 10.3. Rules 35.5.3 and 35.5.4

526. These rules provide standards for, respectively, waste management and sanitation. There were no submissions on these standards. Again we recommend the term "shall" be changed to "must", but otherwise recommend they be adopted as notified and renumbered 35.5.2 and 35.5.3 respectively.

### 11. RULES – NON-NOTIFICATION

527. This provision exempts temporary filming from requiring the written consent of other persons and from limited or public notification.

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<sup>367</sup> Submissions 607 (supported by FS1097), 615 (supported by FS1105, FS1137) and 621  
<sup>368</sup> page 40

528. The only submission on this was by QAC<sup>369</sup> in relation to the issue of temporary activities piercing the OLSs. We have dealt with the issue above in Section 8.1 and concluded an advice note was the appropriate solution to the issue and that deals with QAC's submission on this provision as well.

529. We recommend the provision be adopted as notified.

#### 11.1. Summary of Conclusions on Rules

530. We have set out in Appendix 2 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that the rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 35, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

## 12. CHANGES SOUGHT TO DEFINITIONS

### 12.1. Introduction

531. Submitters on this Chapter also lodged submissions on a number of notified definitions and also sought the inclusion of several new definitions. In accordance with the Hearing Panel's directions in its Second Procedural Minute dated 5 February 2016, we heard evidence on these definitions and have considered them in the context of the rules which apply them. However, to ensure a consistent outcome of consideration of definitions, given the same definition may be relevant to a number of hearing streams, our recommendations in this part of the report are to the Hearing Stream 10 Panel, who have overall responsibility for recommending the final form of the definitions to the Council. As the recommendations in this section are not directly to the Council, we have listed the wording we are recommending for these definitions in Appendix 5.

532. We have already dealt with the definition of "Noise Event", which was not subject to any submissions. We will not repeat that discussion here.

### 12.2. Relocated Buildings

533. As notified, Chapter 2 contained the following definitions relevant to relocated buildings:  
**Relocated/Relocatable Building** means a building which is removed and re-erected on another site, but excludes new buildings that are purpose built for relocation.

**Relocatable** Means not constructed for permanent location on any particular site and readily capable of removal to another site.

**Relocation** In relation to a building, means the removal and resiting of any building from any site to another site.

534. House Movers<sup>370</sup> sought the PDP include the following definitions, which the submitter stated was consistent with the industry's usage:

**Relocated Building** means any previously used building which is transported in whole or in parts and re-located from its original site to its destination site; but excludes any pre-fabricated building which is delivered dismantled to a site for erection on that site.

**Removal of a Building** means the shifting of a building off a site.<sup>[17]</sup>

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<sup>369</sup> Submission 433, opposed by FS1097, FS1117

<sup>370</sup> Submission 496



**Relocation of a Building** means the placement of a relocated building on its destination site.<sup>371</sup>

**Re-siting of a Building** means shifting a building within a site.

535. Ms Banks discussed these proposed definitions and considered adoption of them in part would assist in alleviating interpretation difficulties that have arisen under the ODP using the definitions as notified<sup>371</sup>. Mr Ryan<sup>372</sup> did not take any issue with Ms Banks' modified definitions at the hearing.
536. We largely agree with Ms Banks' opinion on the value of amending these definitions. We do also recommend some further minor changes to the definition of Relocated Building. We consider the exclusion of pre-fabricated buildings needs to be clarified such that it applies to newly created prefabricated buildings, and that the requirement they be dismantled for transport be removed. While "dismantled" may mean a small degree of dismantling, we would not want such a term to be construed as requiring a prefabricated building be deconstructed for transport then re-fabricated on site. That would amount to placing such buildings in the same category as prefabricated roof trusses. We consider the definition is less open to perverse interpretations if the exclusion reads "any newly prefabricated building which is delivered to a site for erection on that site".
537. We do not agree with Ms Banks that it unnecessary to replace the notified definition of "Relocation". Given the recommended new definition of "Re-siting", the use of that term within the definition of "Relocation" will create further ambiguity and confusion. We consider that deleting "and resiting" from that definition removes that potential problem.
538. As a result, we recommend to the Stream 10 Panel that the definitions of "Relocated Building" and "Relocation" be amended as set out below, and that new definitions of "Removal" and "Re-siting" be included in Chapter 2 in the form set out below.

**Relocated/Relocatable Building** means a building which is removed and re-erected on another site, but excludes any newly prefabricated building which is delivered to a site for erection on that site. This definition excludes Removal and Re-siting

**Relocation** In relation to a building, means the removal of any building from any site to another site.

**Removal of a Building** means the shifting of a building off a site.

**Re-siting of a Building** means shifting a building within a site.

### 12.3. Temporary Activities

539. The notified definition reads:
- Temporary Activities Means the use of land, buildings, vehicles and structures for activities of short duration and are outside the usual use of a site, that include the following:*
- Temporary events

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<sup>371</sup> Kimberley Banks, Section 42A Report, paragraphs 16.1 to 16.7

<sup>372</sup> Submissions of Counsel for House Movers, dated 14 September 2016



- Temporary filming
- Temporary activities *related to building and construction*
- Temporary military *training*
- Temporary storage
- Temporary *utilities*
- Temporary *use of a site as an airport for certain community events*
- *A temporary activity does not include the extension of an activity authorised by a resource consent where in contravention to any conditions of the resource consent.*

540. Submissions on this definition sought:

- a. Improve the wording<sup>373</sup>;
- b. Include airshows<sup>374</sup>;
- c. Include “temporary exploration and prospecting”<sup>375</sup>;
- d. Retain<sup>376</sup>.

541. Related to this definition, submissions also sought the inclusion of definitions of:

- a. Temporary Military Training Activity<sup>377</sup>; and
- b. Temporary Storage<sup>378</sup>.

542. Ms Banks agreed that the wording of the definition of “Temporary Activities” could be improved and recommended modification of the last bullet point and deletion of the final paragraph<sup>379</sup>. She also considered that the QAC request to include airshows should be provided for in the relevant zone, rather than in this definition<sup>380</sup>.

543. In response to our questioning at the hearing, Ms Banks undertook a further evaluation of the definition, including examining how the activity has been defined in other districts in New Zealand and Australia<sup>381</sup>. She concluded that the definition should not attempt to define the duration of temporary activities, rather that should be left to the rules. She did, however, conclude that further improvements could be made to the wording.

544. Before turning to Ms Banks’ recommended wording, we need to deal with the submission seeking the inclusion of “temporary exploration and prospecting” in the definition. We heard no evidence regarding this from either Ms Banks, the submitter or the further submitters.

545. New Zealand Tungsten Mining Ltd also sought the inclusion of definitions of “exploration” and “prospecting”. Reviewing those as requested, we do see that those activities are implicitly temporary. We make no recommendation on those requests by the submitter, but are

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<sup>373</sup> Submission 243

<sup>374</sup> Submission 433

<sup>375</sup> Submission 519, supported by FS1015, opposed by FS1356

<sup>376</sup> Submission 635

<sup>377</sup> Submission 1365

<sup>378</sup> Submissions 607, 615 (supported by FS1105, FS1137) and 621

<sup>379</sup> Kimberley Banks, Section 42A Report, paragraph 16.10

<sup>380</sup> *ibid*, paragraph 16.11

<sup>381</sup> Kimberley Banks, Reply Statement, Section 2

satisfied that there is no value in amending the definition of “temporary activities” to refer to them. We recommend to the Stream 10 Panel that submission be refused.

546. The amended definition of “temporary activities” recommended by Ms Banks read:  
**Temporary Activities** Means the use of land, buildings, vehicles and structures for the following listed activities of short duration, limited frequency, and outside the regular day-to-day use of a site:
- a. Temporary events
  - b. Temporary filming
  - c. Temporary activities related to building and construction
  - d. Temporary military training
  - e. Temporary storage
  - f. Temporary utilities
  - g. Temporary use of a site as an informal airport
547. In large part we agree with Ms Banks that this wording is clearer as to what falls within the range of temporary activities. Our one concern is the amendment in respect of informal airports. As we read the rules in Section 35.4, the intention for informal airports is that they are allowed as a temporary activity when they are a component of a temporary event (Rule 35.4.5 as amended). Ms Banks’ amendment appears to widen that scope to include any temporary use of a site as an informal airport. We do not consider that change would have been contemplated by someone reading the submissions on this definition, so do not consider there is scope for such a broad amendment. We also doubt that it is a desirable outcome, but have no evidence one way or the other.
548. As a consequence, we agree with Ms Banks’ amendment save for the last bullet point, which we recommend should read:
549. *Temporary use of a site as an informal airport as a part of a temporary event*
550. We agree with Ms Banks that Ms Byrch’s submission<sup>382</sup> provides scope for this amendment. We recommend to the Stream 10 Panel that the definition of “temporary activities” be amended in accordance with Ms Banks’ recommendation subject to our revision to the final bullet point. We also recommend the Panel consider whether the use of alphanumeric lists should replace bulleted lists.
551. Associated with this definition is the request for a definition of “Temporary Military Training Activity”<sup>383</sup>. Ms Banks<sup>384</sup> noted that notified Objective 35.2.3 stated that temporary military training is provided for (and our revised Objective 35.2.3 does not alter that outcome) and that the definition of “Temporary Activities” includes “temporary military training”, but nowhere is that defined. She agreed with the submitter that a new definition be included which read:  
**Temporary Military Training Activity (TMTA)** means a temporary military activity undertaken for defence purposes. The term ‘defence purpose’ is as described in the Defence Act 1990
552. We agree, for the same reasons, that the new definition should be included. However, we consider the wording can be improved by removing repetition and improving grammar. We also note that the Defence Act 1990 does not explicitly describe ‘defence purposes’. Taking

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<sup>382</sup> Submission 243

<sup>383</sup> Submission 1365

<sup>384</sup> Kimberley Banks, Section 42A Report, paragraphs 16.8 and 16.9

account of this, we recommend to the Stream 10 Panel that a new definition of Temporary Military Training Activity be included in the Plan and that it read:

***Temporary Military Training Activity (TMTA)*** means a temporary military activity undertaken for defence purposes. Defence purposes are those in accordance with the Defence Act 1990.

553. The Real Journeys group<sup>385</sup> sought that a new definition of “temporary storage” be included in Chapter 2. The submissions did not provide a proposed wording and Ms Black did not provide any explanation in her evidence. We are satisfied that Rule 35.4.12 (revised number) adequately explains what temporary storage is. We recommend to the Stream 10 Panel that these submissions be rejected.

#### 12.4. Temporary Events

554. There were no submissions on this definition, but Ms Banks recommended the addition of an advice note to clarify that the sale of alcohol, and food and beverage hygiene standards and regulations, were not regulated by the PDP<sup>386</sup>. She recommended the addition of the following note:

*Note - The following activities associated with Temporary Events are not regulated by the PDP:*

- a. Food and Beverage
- b. Sale of Alcohol

555. We accept that is a helpful clarification and consider it is an amendment that can be made relying on Clause 16(2). We recommend to the Stream 10 Panel that this note be added to the definition of “Temporary Events”.

#### 12.5. Definition of Building

556. In response to our questions at the hearing, Ms Banks undertook a careful consideration of the relationship of shipping containers to the definition of building<sup>387</sup>. Her final conclusion was that an additional exemption should be included in the definition of “Building” as follows:

- *Shipping containers temporarily located on a site for less than 2 months*

557. We are not in a position to know whether there is scope for such a change and do no more than bring the matter to the attention of the Stream 10 Panel for its consideration.

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<sup>385</sup> Submissions 607, 615 (supported by FS1105, FS1137) and 621

<sup>386</sup> Kimberley Banks, Reply Statement, paragraph 8.9

<sup>387</sup> *ibid*, Section 10

## PART D: CHAPTER 36 - NOISE

### 13. PRELIMINARY

#### 13.1. Stage 2 Variations

558. On 23 November 2016 the Council notified Stage 2 of the PDP and variations. That proposed the inclusion of new rules in this chapter providing noise controls for the Wakatipu Basin Zone and the Open Space and Recreation Zones.

559. We have left space for these rules in locations we consider appropriate for the respective rules. The rules do not form part of our recommendations and we discuss them no further.

#### 13.2. General Submissions

560. Two submissions<sup>388</sup> generally supported this Chapter. As we recommend changes to this Chapter, we recommend those submissions be accepted in part.

561. Submission 115 stated that the landscape values of the District can be spoilt by noise from motor boats and lawnmowers. The submitter sought that the Plan institute a quiet day each week. Ms Evans considered that the PDP provisions set appropriate standards for the receipt of noise in a way that managed amenity standards<sup>389</sup>. We agree with Ms Evans' opinion. We also consider it would be both impractical and inconsistent with the general expectations of the people of the District to impose a noise ban on a weekly basis. We recommend this submission be rejected.

562. Submission 159 was concerned with noise from late night parties and sought increased monitoring. We agree with Ms Evans' analysis that the noise standards provide a basis for monitoring and enforcement<sup>390</sup>. The PDP cannot do any more than that. We recommend this submission be rejected.

#### 13.3. 36.1 –Purpose

563. There were four submissions in relation to this section. These sought:

- a. the retention of the section unaltered<sup>391</sup>;
- b. the retention of the third paragraph<sup>392</sup>;
- c. amendment to exclude application of this chapter to the Town Centre Zone<sup>393</sup>; and
- d. amend to apply appropriate and consistent terminology<sup>394</sup>.

564. Ms Evans agreed with the wording changes sought by the Southern District Health Board<sup>395</sup> for the reasons given in the submission<sup>396</sup>. She did not agree that the Chapter did not relate to the Town Centre Zones, noting that rules in Chapter 36 imposed restrictions on noise generated in that zone and received in residential zones, as well as imposing ventilation requirements in the Queenstown and Wanaka Town Centre zones. As a result, she recommended a series of minor word changes to the purpose statement in her Section 42A

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<sup>388</sup> Submissions 19 and 21

<sup>389</sup> Ruth Evans, Section 42A Report, page 28

<sup>390</sup> *ibid*, page 28

<sup>391</sup> Submission 433, supported by FS1211, opposed by FS1097 and FS1117

<sup>392</sup> Submission 1365

<sup>393</sup> Submission 714

<sup>394</sup> Submission 649

<sup>395</sup> Submission 649

<sup>396</sup> Ruth Evans, Section 42A Report, page 11

Report. The only substantive change she recommended in her Reply Statement was to amend the reference to the Civil Aviation Act to refer to the correct section.

565. We agree with Ms Evans (and the Southern District Health Board) that the amendments she has proposed to this section improve clarity and understanding of the purpose of the chapter. We also agree with her that the amendments she has proposed that are outside of the scope of the submissions lodged are minor with no substantive effect, or improve grammar, and therefore can be made under Clause 16(2).
566. The Stream 8 Hearing Panel has recommended to us<sup>397</sup> a further amendment to clarify that certain forms of noise (from music, voices and loudspeakers) generated in the Queenstown and Wanaka Town Centres are not managed under this Chapter. We recommend that change be made for the reasons given by the Stream 8 Panel.
567. We recommend the Section 36.1 be adopted as worded in Appendix 3 to this report, and the submissions be accepted in part.

## 14. 36.2 – OBJECTIVES AND POLICIES

### 14.1. Objective 36.2.1 and Policies

568. As notified, these read:

**Objective** *Control the adverse effects of noise emissions to a reasonable level and manage the potential for conflict arising from adverse noise effects between land use activities.*

*36.2.1.1 Manage subdivision, land use and development activities in a manner that avoids, remedies or mitigates the adverse effects of unreasonable noise.*

*36.2.1.2 Avoid, remedy or mitigate adverse noise reverse sensitivity effects.*

569. The submissions on these sought:

- a. Retain all as notified<sup>398</sup>;
- b. Retain the objective<sup>399</sup>;
- c. Retain Policy 2<sup>400</sup>;
- d. Amend Policy 2 to discourage noise sensitive activities establishing in the vicinity of consented or existing noise generating activities.<sup>401</sup>

570. In her Section 42A Report, Ms Evans recommended minor changes to the objective to make it more outcome focussed. Following our questioning at the hearing, she recommended further changes to the objective and Policy 1 in her Reply Statement.

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<sup>397</sup> Report 11, Section 8.11

<sup>398</sup> Submissions 197, 649 (supported by FS1211) and 1365

<sup>399</sup> Submissions 717 (supported by FS1211 and FS1270, opposed by FS1029), 719 and 847 (supported by FS1207)

<sup>400</sup> Submission 719

<sup>401</sup> Submissions 717 (supported by FS1211 and FS1270, opposed by FS1029) and 847 (supported by FS1207)

571. Ms Evans considered the submissions seeking amendments to Policy 2 and concluded that the policy did not need to be altered as it does not distinguish between new or established noise sensitive activities leading to reverse sensitivity effects<sup>402</sup>.
572. The only evidence we heard on these provisions was from Mr MacColl<sup>403</sup> who supported Policy 2 as notified and agreed with Ms Evans' conclusions in respect of that policy.
573. We do not think Policy 2 provides any guidance as to how to achieve the objective, but we consider the wording proposed by Submitters 717 and 847 does not particularly assist. Without evidence we are not inclined to amend this policy.
574. We consider the word changes recommended by Ms Evans to the objective and Policy 1 improve their clarity without altering the meaning. We agree that those changes are minor non-substantive amendments that the Council can make under Clause 16(2).
575. We note that Policy 1 fails to provide any guidance as to how to it is to achieve the objective, in the same manner as Policy 2.
576. We recommend that the Council amend the objectives and policies under Clause 16(2) so that they read:  
**Objective** *The adverse effects of noise emissions are controlled to a reasonable level to manage the potential for conflict arising from adverse noise effects between land use activities.*
- 36.2.1.1 *Avoid, remedy or mitigate adverse effects of unreasonable noise from land use and development.*
- 36.2.1.2 *Avoid, remedy or mitigate adverse noise reverse sensitivity effects.*
577. We also recommend that the Council review the two policies with a view to providing clearer guidance as to how the objective is to be achieved. We do not consider that parroting s.5(2)(c) of the Act assists.

## 15. 36.3 – OTHER PROVISIONS

### 15.1. 36.3.1 – District Wide

578. There were no submissions on this section. The only changes we recommend to it are to make it consistent with the same section in other chapters. We consider this to be a minor amendment that can be made under Clause 16(2).
579. We recommend the Council amend this section as shown in Appendix 3 as a minor, non-substantive amendment under Clause 16(2).

### 15.2. 36.3.2 – Clarification

580. As notified this section contained 10 clauses, the first two of which, consistent with other chapters, described when a consent was required and the abbreviations used in the tables. The following eight clauses read:  
36.3.2.3 *Sound levels shall be measured and assessed in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and NZS 6802:2008 Acoustics -*

<sup>402</sup> Ruth Evans, Section 42A Report, page 12

<sup>403</sup> Anthony MacColl, EiC, page 7

*Environmental Noise, except where another Standard has been referenced in these rules, in which case that Standard should apply.*

- 36.3.2.4 *Any activities which are Permitted, Controlled or Restricted Discretionary in any section of the District Plan must comply with the noise standards in Tables 2, 3, 4 and 5 below, where that standard is relevant to that activity.*
- 36.3.2.5 *In addition to the above, the noise from the following activities listed in Table 1 shall be Permitted activities in all zones (unless otherwise stated). For the avoidance of doubt, the activities in Table 1 are exempt from complying with the noise standards set out in Table 2.*
- 36.3.2.6 *Notwithstanding compliance with Rules 36.5.13 (Helicopters) and 36.5.14 (Fixed Wing Aircraft) in Table 3, informal airports shall be subject to the rules in the applicable zones.*
- 36.3.2.7 *Sound from non-residential activities, visitor accommodation activities and sound from stationary electrical and mechanical equipment must not exceed the noise limits in Table 2 in each of the zones in which sound from an activity is received. The noise limits in Table 2 do not apply to assessment locations within the same site as the activity.*
- 36.3.2.8 *The noise limits contained in Table 2 do not apply to sound from aircraft operations at Queenstown Airport.*
- 36.3.2.9 *Noise standards for Town Centre, Local Corner Shopping and Business Mixed Use zones are not included in this chapter. Please refer to Chapters 12, 13, 14, 15 and 16.*
- 36.3.2.10 *The standards in Table 3 are specific to the activities listed in each row and are exempt from complying with the noise standards set out in Table 2.*

581. Submissions on this section sought the following:

- a. Support the provisions<sup>404</sup>;
- b. Amend 36.3.2.7 so as to exclude the temporary operation of emergency and backup generators from the noise limits<sup>405</sup>;
- c. Include reference to Wanaka Airport in 36.3.2.8<sup>406</sup>;
- d. Include an additional clarification stating that activities in the Rural Zone established at the time of the Review will be administered for noise purposes in accordance with the rules at the time the activity was established or consented<sup>407</sup>.

582. Ms Evans agreed that reference to Wanaka Airport should be included in 36.3.2.8. Ms Evans also noted that the noise of aircraft at that airport, as for Queenstown Airport, is controlled by the designation<sup>408</sup>. We agree with that conclusion.

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<sup>404</sup> Submissions 649 (supported by FS1211) and 1365

<sup>405</sup> Submission 635

<sup>406</sup> Submission 433, opposed by FS1097 and FS1117

<sup>407</sup> Submissions 717 (supported by FS1270, opposed by FS1029) and 847 (supported by FS1270).

<sup>408</sup> Ruth Evans, Section 42A Report, page 13

583. Ms Evans considered that the additional clarification sought (item (d)) was unnecessary as provision was made in the Act to protect lawfully established existing uses<sup>409</sup>. We agree with her assessment. We heard no evidence from the submitters so our understanding of their reasoning is that contained in the submission. That reasoning is clearly focussed on restating existing use provisions from the Act in the PDP. We cannot understand why, if such provisions were to be included, they should be limited to the Rural Zone. We recommend those submissions be rejected.
584. The submission by Aurora concerning the temporary operation of emergency and backup generators included a proposal to include such operations in Table 1 as a permitted activity. It is appropriate to consider both parts of the submission together.
585. Dr Chiles assessed this submission<sup>410</sup>. It was his opinion that, in terms of emergency generators, people are prepared to tolerate the noise of them because it is an emergency, and by definition, temporary. He also noted that where emergency generators are fixed installations they need to be tested regularly. He recommended that emergency generators be provided for as a permitted activity in Table 1, along with an allowance for testing. He considered that amendment to 36.3.2.7 was unnecessary as 36.3.2.5 already identified that the activities in Table 1 were exempt from compliance with Table 2 standards. Ms Evans adopted Dr Chiles evidence and recommended changes to Table 1 consistent with his opinion.
586. Ms Dowd, appearing for Aurora, supported this proposed rule<sup>411</sup>.
587. In response to our questioning, Ms Evans further refined the rule in Table 1 in her Reply Statement so as to clarify the circumstances when it applied to backup generation<sup>412</sup>.
588. We accept the advice of Dr Chiles for the reasons he set out and recommend that a new permitted activity be included in Table 1, modified as proposed by Ms Evans in her Reply Statement subject to replacing “grid” with “network” so that the wording is consistent with that used in Chapter 30. We agree that it is unnecessary to make provision in 36.3.2.7 for an activity that listed in Table 1.
589. Ms Evans recommended some minor changes to 36.3.2.9 to properly identify the zones it applied to, and to note that activities in those zones were still required to meet the noise standards for noise received in other zones. The Stream 8 Panel has further recommended that this provision be amended to make it clear that noise from music, voices and loud speakers in the Wanaka and Queenstown Town Centre Zones (excluding the Queenstown town Centre Transition Sub-Zone) need not meet the noise standards set in this chapter.<sup>413</sup>
590. Ms Evans also recommended minor changes to 36.3.2.1 to clarify the meaning and remove unnecessary words.
591. We agree that those amendments are helpful in providing clarity to the meaning of the relevant provision. We consider them to be minor changes that can be made under Clause 16(2). We recommend the amendments recommended by the Stream 8 Panel be adopted for the reasons that Panel has given.

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<sup>409</sup> *ibid*, page 12

<sup>410</sup> Dr Stephen Chiles, EIC, pages 9-10

<sup>411</sup> Joanne Dowd, EIC, page 6

<sup>412</sup> Ruth Evans, Reply Statement, paragraph 2.4

<sup>413</sup> Report 11, Section 8.11



592. We also recommend moving 36.3.2.2 to the end of the list so it more clearly relates to the tables that follow. As a consequence it becomes renumbered as 36.3.2.10 and clauses 3 to 10 are consequentially renumbered.
593. The Stream 13 Hearing Panel has recommended an amendment to notified 36.3.2.6 under Clause 16(2) to clarify the relationship of Rules 36.5.13 and 36.5.14 and the rules in the relevant zone chapters. We adopt their recommendation and include the amendment to recommended Rule 36.3.2.5 in Appendix 3.
594. For those reasons we recommend that Section 36.3.2 be titled “Rules – Explanation” and that clauses 1, 8 (renumbered as 7) and 9 (renumbered as 8) be amended to read as follows:
- 36.3.2.1 *Any activity that is not Permitted requires resource consent. Any activity that does not specify an activity status for non-compliance, but breaches a standard, requires resource consent as a Non-complying activity.*
- 36.3.2.7 *The noise limits contained in Table 2 do not apply to sound from aircraft operations at Queenstown Airport or Wanaka Airport.*
- 36.3.2.8 *Noise standards for noise received in the Queenstown, Wanaka and Arrowtown Town Centre, Local Shopping and Business Mixed Use zones are not included in this chapter. Please refer to Chapters 12, 13, 14, 15 and 16. The noise standards in this chapter still apply for noise generated within these zones but received in other zones, except that noise from music, voices, and loud speakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Sub-Zone) need not meet the noise limits set by this chapter.*
595. We also recommend, as discussed above, that a new permitted activity be inserted in Rule 36.4 Table 1 to read as follows:
- Sound from emergency and backup generators:*
- a. *Operating for emergency purposes; or*
  - b. *Operating for testing and maintenance for less than 60 minutes each month during a*
  - c. *weekday between 0900 and 1700.*

*For the purpose of this rule, backup generators are generators only used when there are unscheduled outages of the network (other than routine testing or maintenance provided for in (b) above).*

## 16. 36.4 – RULES – ACTIVITIES

### 16.1. Table 1

596. As notified, this rule listed the following as permitted activities (exempt from the standards in Table 2):
- 36.4.1 *Sound from vehicles on public roads or trains on railway lines (including at railway yards, railway sidings or stations).*
- 36.4.2 *Any warning device that is activated in the event of intrusion, danger, an emergency or for safety purposes, provided that vehicle reversing alarms are a broadband directional type.*

36.4.3 *Sound arising from fire stations (including rural fire stations), fire service appliance sirens and call-out sirens for volunteer brigades.*

36.4.4 *Sound from temporary military training activities.*

36.4.5 *In the Rural Zone and the Gibbston Character Zone, sound from farming and forestry activities, and bird scaring devices, other than sound from stationary motors and stationary equipment.*

36.4.6 *Sound from aircraft movements within designated airports.*

36.4.7 *Sound from telecommunications cabinets in road reserve.*

597. Apart from the Aurora submission dealt with in the previous section, the submissions on this rule sought:

- a. Retain the rules<sup>414</sup>;
- b. Retain Rule 36.4.3<sup>415</sup>;
- c. Retain Rule 36.4.4<sup>416</sup>;
- d. Delete Rule 36.4.6<sup>417</sup>;
- e. Add new rule exempting noise from vessels<sup>418</sup>.

598. Ms Evans agreed that Rule 36.4.6 could be deleted as such aircraft noise was covered by the designations, and deleting it was consistent with the amended 36.3.2.7 above<sup>419</sup>. We agree with that analysis and recommend the submission be accepted and Rule 36.4.6 be deleted.

599. Dr Chiles provided detailed evidence on the noise effects of motorised craft<sup>420</sup>. We heard no contrary expert noise evidence on this issue. It was Dr Chiles' opinion that sound from motorised craft has the potential to cause significant adverse noise effects in terms of degradation of amenity and disturbance. Consequently, he did not consider it appropriate to provide a blanket permitted activity status for noise from motorised craft.

600. We accept Dr Chiles assessment and recommend the submissions seeking the inclusion of this rule be rejected.

601. In summary, therefore, we recommend that Rule 36.4.6 be deleted, Rule 36.4.7 be renumbered 36.4.6, and, as we recommended above, a new Rule 36.4.7 be inserted for emergency and backup electrical generators. For clarity purposes, we recommend the Table be titled "Permitted Activities". The revised Table 1 is set out in Appendix 3.

## 17. 36.5 – RULES – STANDARDS

### 17.1. Table 2 : General Standards

602. As notified, this table set out the noise standards that applied to all activities, other than those specifically exempted, when measured in the receiving environment. Non-compliance with the set standards were non-complying, except in two cases as discussed below.

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<sup>414</sup> Submissions 649 (supported by FS1211) and 719

<sup>415</sup> Submissions 438 and 708

<sup>416</sup> Submission 1365

<sup>417</sup> Submission 433, opposed by FS1097 and FS1117

<sup>418</sup> Submissions 607 (supported by FS1097) and 621

<sup>419</sup> Ruth Evans, Section 42A Report, page 14

<sup>420</sup> Dr Stephen Chiles, EiC, section 7

603. Ms Evans identified an error in the labelling of the table as notified<sup>421</sup>. The second column heading as notified was “Activity or sound source”. Ms Evans advised that it should have been headed “Zones sound is received in” and she recommended it be so amended as a minor Clause 16(2) amendment. As the various standards do not make sense if the notified heading is applied, we agree with Ms Evans that it should be corrected. We do not consider such a change to be anything other than minor as any person reading the standards would immediately see that the column did not list activities or sound sources (except for Rule 36.5.2 which we discuss below). We recommend this change be made as a correction under Clause 16(2).
604. As noted, Rule 36.5.2 applied different standards in the residential zones and the Rural Zone for sound generated in the Queenstown Airport Mixed Use Zone. Rule 36.5.2 had the effect of allowing more noise to be generated within the Queenstown Airport Mixed Use Zone than could be generated by any other activity, where the noise was received in a residential zone or the Rural Zone. Non-compliance with this more generous standard required consent as a restricted discretionary activity.
605. The second situation where non-compliance was not specified as “Non-complying” was Rule 36.5.5, which set no limit for noise received in the Queenstown Airport Mixed Use Zone. Although the non-compliance column stated “permitted”, logically it was not possible to not comply with that standard.
606. The other matter in respect of this table we need to point out at the outset is that it included standards for a large number of zones which were not in Stage 1 of the Review, but are, rather, zones in the ODP. We note in this respect that a submission by Real Journeys Limited seeking to change the standard applying to the Rural Visitor Zone was identified by the reporting officer as being “out of scope”<sup>422</sup>. We also note that by resolution of the Council the geographic areas of several of these have been withdrawn from the PDP<sup>423</sup>. As of the date of that resolution those zones (or parts of zones) have been removed from this rule.
607. We also note that, as notified, Rule 27.3.3.1 explicitly stated that the zones listed were not part of the PDP: Stage 1, and Rule 27.3.3.2 explicitly stated that all the Special Zones in Chapter 12 of the ODP other than Jacks Point, Waterfall Park and Millbrook, were excluded from the PDP subdivision chapter.
608. Ms Scott addressed this matter in her Reply Submissions. It was her submission that the provisions of Chapter 36 were, at notification, intended to apply district-wide, even to zones not included in Stage 1. She submitted that we could take a “flexible and pragmatic approach as to whether submissions are “on” Stage 2 matters, when they relate to types of activities addressed through one of the district-wide chapters”<sup>424</sup>.
609. We have previously advised the Council that we have serious concerns with the approach it has taken regarding the suggestion that provisions in the PDP:Stage 1 apply to land which does

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<sup>421</sup> Ruth Evans, Section 42A Report, Paragraph 8.24

<sup>422</sup> Ruth Evans, Section 42A Report, Appendix 2, page 7

<sup>423</sup> Resolution of the Council dated 25 May 2017 to withdraw the geographic areas of the following ODP zones from the PDP: Frankton Flats B, Remarkables Park, Shotover Country Estate, Northlake Special, Ballantyne Road Industrial and Residential (Change 46), Queenstown Town Centre extension (Change 50), Peninsula Bay North (Change 51), Mount Cardrona Station

<sup>424</sup> Council Reply Submissions, paragraph 2.4

not have a Stage 1 zoning<sup>425</sup>. In this chapter, what have been listed in the rules are, in addition to the Stage 1 zones, ODP zones. Ms Scott submitted that it would be appropriate for us to direct that those provisions be transferred to Stage 2<sup>426</sup>.

610. There is no information before us to suggest that any of these zones (in the terms used in these rules) will become part of the PDP. While the geographic areas those ODP zones apply to may become part of the PDP in due course, it is not axiomatic that those areas will have the same ODP zones applied.
611. We also note that the only submission<sup>427</sup> on these rules referring to the zones listed in Ms Scott's submissions sought the deletion of "Industrial Zones" on the basis that those zones were not in Stage 1 and should not, therefore, be included in the rule at this stage. This raises the question for us as to whether the public understood that the Council was expecting the submission period in 2015 to be the one time a submission could be lodged in respect of noise received in any of these zones. We also have a concern that, if we were simply to direct that they be transferred to Stage 2, that would not automatically confer any submission rights in respect of these rules at Stage 2. Such submission rights will only be conferred if the Stage 2 process involves a change to the PDP to include such areas or zones.
612. We note at this point that the Stream 13 Hearing Panel is recommending the inclusion of the Coneburn Industrial Zone in the PDP. No noise limits were proposed within this zone, but the policies proposed included:

*To minimise the adverse effects of noise, glare, dust and pollution.*<sup>428</sup>

613. It may be that the submitter assumed that the provisions in Chapter 36 would apply, both within and outside the zone. On the face of it, the inclusion of the Coneburn Industrial Zone within the PDP would support the retention of notified Rule 36.5.7 as it applies to Industrial Zones. However, when the rule is examined, it only sets limits within Activity Areas 2, 2a, 3, 4, 5, 6, 7 and 8. It is unclear what this specification relates to, but it is clear that the rule as notified would not apply in the Coneburn Industrial Zone even if Rule 36.5.7 remained in the District Plan.. We do note that activities in the Coneburn Industrial Zone, while not needing to meet noise limits within the zone, would still need to meet the standards for noise received in the adjoining Rural Zone, or the nearby Jacks Point Zone.
614. Given the above, including the position the Council took in the reply, we have come to the conclusion that listing of the following zones in Rule 36.5 is an error:
- a. Township Zones;
  - b. Rural Visitor Zones;
  - c. Quail Rise Special Zone;
  - d. Meadow Park Special Zone;
  - e. Ballantyne Road Special Zone;
  - f. Penrith Park Special Zone;
  - g. Bendemeer Special Zone;
  - h. Kingston Village Special Zone;
  - i. Industrial Zones.

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<sup>425</sup> Minute Concerning Annotations on Maps, dated 12 June 2017

<sup>426</sup> Council Reply Submissions, paragraph 4.1

<sup>427</sup> Submission 746

<sup>428</sup> Proposed Policy 18.2.1.5 in Revised Chapter 18 provided with Joint Witness Statement on 15 September 2017

615. Consequently, we recommend all references to those zones be deleted from Rule 36.5 to correct this error. In terms of item (i) Industrial Zones, we recommend accepting Submission 746. The remainder we consider can be deleted as errors requiring correction with no substantive effect under Clause 16(2). We also consider that without deleting these references, the Council may inadvertently deprive persons with land in geographic area covered by those zones the opportunity to submit on the noise rules which would affect them when those geographic areas are brought into the PDP.
616. We consider the proper course for the Council to follow in the future is, when a variation or plan change is initiated to include an additional geographic area in the PDP, where applicable, references to the zones applied can be included in these rules as appropriate. Obviously, if that land has a PDP zone applied, such a change would not be necessary.
617. Two submissions generally supported the entire rule<sup>429</sup>. We recommend those submissions be accepted in part.
618. There were no submissions on Rule 36.5.1 which sets the standards for noise received in the Rural and Gibbston Character Zones. We recommend this rule be adopted as notified.
619. There were no submissions on Rule 36.5.4, other than that by Real Journeys Limited<sup>430</sup> which the Council identified as being out of scope. With our recommended amendments to this rule to correct the error of including references to ODP zones, the area that submission related to is no longer affected by the rule. We recommend that Rule 36.5.4 be adopted in the revised form shown in Appendix 3. We note that recommendations we make below will further amend this rule.
620. Following the Council's withdrawal of the geographic areas covered by the Shotover Country Special Zone and Mount Cardrona Special Zone, Rule 36.5.6 only applied to the Ballantyne Road Special Zone. Our recommendation that the error of including that zone in this rule be corrected by its deletion, would have the effect of deleting this rule, but Ms Evans has recommended the inclusion of other provisions within it. We will deal with that matter below.
- 17.2. **Rule 36.5.2**
621. Rule 36.5.2, which as we explained above, allowed a higher level of noise to emanate from the Queenstown Airport than from other activities, was subject to one submission<sup>431</sup> which sought that this rule be deleted and replaced with notified Rule 17.5.6. We note that the only substantive difference between those rules was that the night-time  $L_{max}$  was 5dB lower under Rule 17.5.6.
622. We were concerned these two rules were inconsistent with the general approach to managing noise in the District and there appeared to be no policy support for such a difference. Dr Chiles considered these limits to be inconsistent also, and it was his opinion that the inconsistencies undermine the level of amenity provided in surrounding locations by district wide noise limits<sup>432</sup>.

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<sup>429</sup> Submissions 52 and 649

<sup>430</sup> Submission 621

<sup>431</sup> Submission 433, opposed by FS1097 and FS1117

<sup>432</sup> Dr Stephen Chiles, EIC, paragraph 8.3

623. Mr Day did not address this inconsistency in his evidence. When questioned by the Panel, he answered that the residential areas around the airport are generally exposed to higher noise levels anyway.
624. Ms Evans, in her Reply Statement, noted that the noise limits were the same as in the ODP in respect of the Residential Zones, but have been extended to the Rural Zone also in the PDP. She recommended moving the standard to Table 3, which relates to specific noise sources, with a minor alteration to the wording to clarify the activities affected by the rule.
625. We agree with Dr Chiles that a separate and less onerous noise standard for Queenstown Airport is both inconsistent with the standards generally applied and undermines the amenity values the PDP is generally protecting in close-by residential areas. We also can find no basis for this differentiation in the objectives and policies of the PDP. However, with no submissions seeking the complete deletion of the standard, we cannot recommend its deletion. If there were a submission that sought such relief we would have recommended that submission be accepted. As it is, we largely agree with Ms Evans' proposed rule subject to two changes:
- a. clarification that it does not apply to sound from aircraft operations that are subject to Designation 2; and
  - b. Changing the night-time  $L_{AFmax}$  to 70dB as it was notified in Rule 17.5.6.
626. For the reasons set out, we recommend to the Stream 8 Hearing Panel that Rule 17.5.6 (as notified) be deleted, and recommend to the Council that Rule 36.5.2 be moved to become Rule 36.5.15 with the wording as set out in Appendix 3. We add that we cannot confirm that this rule meets the statutory tests of s.32AA.

### 17.3. Rule 36.5.3

627. This rule applies standards for noise received in the residential parts of the Jacks Point and Millbrook Resort Zones. We note that the former zone was incorrectly named in the rule, being termed a resort zone. We recommend that the zone name be changed by deleting "Resort" from "Jacks Point Resort Zone" so it has the zone name applied in the PDP. We consider this to be a minor correction under Clause 16(2).
628. Two submissions were received seeking:
- a. Include the Village Activity Area in the assessment locations<sup>433</sup>; and
  - b. Exclude the Village and EIC Activity Areas from column 2, and create a new rule making it a restricted discretionary activity for sounds from the Village and EIC Activity Areas to exceed the limits<sup>434</sup>.
629. We note that since hearing Stream 5, submitters on the Jacks Point Zone have sought the removal of the EIC Activity Area from that zone, and the Hearing Stream 9 Panel is recommending that change be accepted. Thus, we will not address that Activity Area further.
630. Ms Evans attempted to reconcile these two seemingly opposing submissions<sup>435</sup>. Dr Chiles was concerned that imposing the residential noise standards on the Village Activity Area would hinder the development of activities such as cafes with patrons sitting outside<sup>436</sup>. Ms Evans recommendation was to move both the Millbrook and Jacks Point provisions from Rule 36.5.3 to 36.5.4 on the basis that the standards would be the same for residential areas, and to

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<sup>433</sup> Submission 632, opposed by FS1219, FS1252, FS1275, FS1277, FS1283, FS1316

<sup>434</sup> Submission 762, opposed by FS1316

<sup>435</sup> Ruth Evans, Section 42A Report, paragraphs 8.28 to 8.31 inclusive

<sup>436</sup> Dr Stephen Chiles, EIC, Section 9

include the Jacks Point Zone Village Activity Area in Rule 36.5.6 which provides for higher levels of received noise.

631. Mr Ferguson supported these changes but raised two matters:
- a. Clarification of how the noise standards are applied between the stipulated assessment locations and the zone or activity areas within it is received; and
  - b. The status of any breach of the noise standards<sup>437</sup>.
632. Mr Ferguson’s first point was that the heading to Column 2 (as amended) referred to receiving zones, whereas in Jacks Point Zone at least, it was only within part of the zone that it applied. We consider this can be dealt with by amending the additional words after each zone to say “Residential (or Village) Activity Areas only” to make it clear it is only part of the zone within which the relevant rule controls the receipt of noise.
633. We have considered Mr Ferguson’s opinion that non-compliance with the rules applicable to the Village Activity Area should require consent as a restricted discretionary activity. In our view the point of noise standards is to establish a bottom line for amenity values which should not be breached. The standards themselves, and the forms of measurement, provide for the rare or momentary exceedance of any fixed level. If an activity is proposing to create a level of noise that will always or regularly exceed the standard, then we consider it appropriate for the Council, on a resource consent application, to be able to firstly consider whether that activity meets the thresholds of s.104D, and if so, to undertake a full evaluation of the proposal under s.104. We agree with Ms Evans’ evaluation of this matter in her Reply Statement.
634. In summary, we recommend that Rule 36.5.3 be deleted and the following be inserted in Column 2 of Rule 36.5.4 (consequently renumbered 36.5.2):
- Millbrook Resort Zone – Residential Activity Areas only*  
*Jacks Point Zone – Residential Activity Areas only*
635. We additionally recommend that the following be inserted in Column 2 of Rule 36.5.6 (now renumbered 36.5.4):
- Jacks Point Zone – Village Activity Area only*
- 17.4. **Rule 36.5.5**
636. The only submission on this rule sought its retention<sup>438</sup>. As noted above, and agreed by Ms Evans<sup>439</sup>, there is no possibility of not complying with this rule, so the appropriate thing is to leave the Non-compliance Status Column blank. With that change, we recommend the rule be adopted.
- 17.5. **Table 3**
637. This table sets standards for noise from specified activities, including identifying any applicable special considerations. One submitter<sup>440</sup> supported all of the rules in this table subject to amendments to Rule 36.5.11 which we deal with below. There were no other submissions on Rules 36.5.8, 36.5.9, 36.5.10, 36.5.12 and 36.5.17.
638. The only other submission<sup>441</sup> on Rule 36.5.15 sought that it be retained.

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<sup>437</sup> Christopher Ferguson, EiC, page 5  
<sup>438</sup> Submission 433, opposed by FS1097, FS1117  
<sup>439</sup> Ruth Evans, Reply Statement, Appendix 1  
<sup>440</sup> Submission 649  
<sup>441</sup> Submission 580

639. Ms Evans recommended that Rule 36.5.17 be transferred to Chapter 41 as a rule applying to Jacks Point Zone. We agree with that recommendation and refer that rule to the Stream 9 Hearing Panel.

640. Subject to renumbering and altering the reference in Rule 36.5.8 to the NESTF 2016, we recommend that Rules 36.5.8, 36.5.9, 36.5.10, 36.5.12 and 36.5.15 be adopted as notified.

#### 17.6. Rule 36.5.11

641. This rule controls noise from frost fans. The sole submission<sup>442</sup> sought that the  $L_{AFmax}$  limit failed to account for increased annoyance where there are special audible characteristics present. It sought that the limit be changed to 55 dB  $L_{Aeq(15 min)}$ .

642. Dr Chiles<sup>443</sup> agreed that the 85 dB  $L_{AFmax}$  would not adequately control noise effects. He considered that proposed in the submission to be adequate, although significantly more lenient than the general night-time noise limit of 40 dB  $L_{Aeq(15 min)}$ . Ms Evans accepted Dr Chiles advice and recommended amending this rule as requested.

643. On the basis of that evidence we recommend that Rule 36.5.11 (renumbered as 36.5.8) be amended to set a noise limit of 55 dB  $L_{Aeq(15 min)}$ .

#### 17.7. Rule 36.5.13

644. This rule set the standard for noise from helicopters. Three submitters<sup>444</sup> supported this rule. Other submissions sought:

- a. Delete the rule<sup>445</sup>;
- b. Measure  $L_{max}$  rather than  $L_{dn}$ <sup>446</sup>;
- c. Delete the  $L_{dn}$  measurement<sup>447</sup>;
- d. Make non-compliance a discretionary activity<sup>448</sup>.

645. In addition, one submission sought the introduction of a separate rule for helicopters landing near the top of Skyline Access Road<sup>449</sup>.

646. It was Dr Chiles' evidence<sup>450</sup> that the adverse effects of helicopters are related to both the sound level of individual helicopter movements, and also the frequency of movements. He noted that while there were some limitations with the use of an  $L_{dn}$  noise limit, it would control both factors. On the other hand, while a  $L_{AFmax}$  noise level would control the sound level, it would not control the number of movements. He also noted that there can be difficulty in obtaining reliable assessments of helicopter noise using the  $L_{AFmax}$  limit.

647. Dr Chiles also explained why he considered the  $L_{dn}$  control for helicopter noise in this rule, coupled with the additional controls on movement numbers in the Rural Zone, sets an appropriate noise limit to manage adverse noise effects. While he agreed that there was

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442 Submission 649

443 EIC, Section 12

444 Submissions 143 (opposed by FS1093), 433 (opposed by FS1097, FS1117) and 571

445 Submission 475, opposed by FS1245

446 Submissions 607, 626, 660, 713

447 Submission 243, opposed by FS1224, FS1245

448 Submission 607

449 Submission 574, opposed by FS1063

450 EIC, Section 13



justification for applying the noise limits recommended for commercial areas by NZS6807 to commercial areas in the PDP, as sought in Submission 574, he considered that limit not to be appropriate in the area specified in that submission. He advised us that a recent Environment Court decision<sup>451</sup> found that the commercial area noise limit from NZ6807 was not appropriate in that location. He advised us that in considering that application, the Court found that a helicopter noise limit of 60 dB L<sub>dn</sub> in conjunction with a limit of four helicopter flights a day to be appropriate. He was unaware of justification to insert specific and different noise limits for this location into the PDP.

648. Mr Dent appeared in support of Submission 574. It was his opinion that NZ6807 was the appropriate standard for measuring helicopter noise. He explained that the ODP rules effectively have no applicable noise rules for helicopters. Turning to the specific issue of the Skyline helicopter pad, he considered there was value in making provision for a helicopter pad to locate in the vicinity of Bobs Peak with a noise limit of 60 dB L<sub>dn</sub> (less than the 65 dB L<sub>dn</sub> sought in the submission).
649. In response to this evidence, Ms Evans proffered the opinion that if the Council were to include specific controls for a specific consented activity, the PDP would be littered with such special provisions. She also advised that the Environment Court only granted consent for 5 years, to enable review, whereas if it became a rule in the PDP then it would not be subject to review until the PDP were reviewed, and would, potentially, be there for the life of the activity<sup>452</sup>.
650. There are three issues for us to deal with in regard to this rule:
- a. Whether helicopter noise limits be set using NZS6807 or in the same manner as other noise is generally controlled in the District;
  - b. The activity status of a resource consent for non-compliance; and
  - c. Whether special provision should be made for helicopter landing at Skyline.
651. All the expert evidence we heard advised us that NZS6807 is the appropriate standard to use of the assessment and control of helicopter noise. As that standard is specifically designed to deal with helicopter noise, that is unsurprising. Mr Dent assisted us by setting out a number of local consent hearings where the hearing commissioners had agreed with expert noise evidence that concluded the ODP noise rules were ineffective, or unable to control, helicopter noise. We accept all that evidence and conclude that Rule 36.5.13 as notified is fundamentally sound. We also agree with Ms Evans' recommendation that the Advice Note should specify Queenstown and Wanaka Airports.
652. Our views on the non-compliance status of any breach of this rule is consistent with those we gave above in respect of Rule 36.5.3 above. As it was, we heard no evidence on this from the submitter.
653. The Stream 10 Hearing Panel has recommended that the final clause in the notified definition of noise in Chapter be inserted in this rule. We agree that is a more appropriate location and is a non-substantive change under Clause 16(2).
654. For those reasons we recommend that Rule 36.5.13 (renumbered 36.5.10) be adopted as notified, with the addition of the phrase from Chapter 2 and a minor amendment to the advice note.

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<sup>451</sup> ZJV (NZ) Limited v Queenstown Lakes District Council & Skyline Enterprises Limited [2015] NZEnvC 205

<sup>452</sup> Ruth Evans, Reply Statement, Section 9

655. We also note that, in addition to this rule, other rules in the Rural Zone relating to informal airports restrict the frequency of flights and impose setback requirements in certain situations. The combination of those rules should go some way to address the concerns of those submitters who sought the deletion or modification of this rule.

656. Turning to the Skyline issue, we agree with Ms Evans that turning a resource consent into district plan rules, when that consent is subject to a time limitation because of the potential adverse effects, is fraught with issues. We consider it would be poor resource management practice to create such a rule as it would restrict the Council's ability to adjust the terms of the activity if monitoring disclosed adverse environmental effects beyond those foreseen. In our view, if Skyline wishes to choose a better site for helicopter landing, and it requires a resource consent, then they should follow that process. We recommend that submission be rejected.

#### 17.8. Rule 36.5.14

657. This rule sets noise limits for fixed wing aircraft using NZS6805 as the means of measuring and assessing aircraft noise. One submission<sup>453</sup> sought the retention of this rule, while two submissions<sup>454</sup> sought its replacement with an  $L_{max}$  limit and changing the non-compliance status to discretionary.

658. Again this issue is whether a standard specifically designed to measure and assess aircraft noise (NZS6805) should be used as the basis for setting the limits in this rule, or the general provisions used elsewhere in the District. We heard no evidence in support of the submissions seeking to amend this rule and see no reason to for there to be a different approach to setting noise limits for fixed wing aircraft from that used for setting noise limits for helicopters.

659. We recommend that Rule 36.5.14 (renumbered 36.5.11) be adopted as notified, and the advice note be amended to specify Queenstown and Wanaka Airports.

#### 17.9. Rule 36.5.16 and Rule 36.8

660. Rule 36.5.16 set a noise limit of 77 dB  $L_{ASmax}$  for commercial motorised craft operating on the surface of lakes and rivers. Rule 36.8 set out the methods of measurement and assessment of such noise.

661. One submission<sup>455</sup> sought the retention of Rule 36.8. Other submissions sought:

- Lower the limit in Rule 36.5.16 and include live commentary on vessel as well<sup>456</sup>;
- Exempt low or moderate speed passenger service vessels from 36.8<sup>457</sup>;
- Set the limit for jet boats competing in jet boat race events at 92 dB  $L_{ASmax}$ <sup>458</sup>.

662. We note in respect of item (b) above, the same submitter sought that such vessels be permitted activities in Table 1. We have deal with that matter above and recommended rejecting that submission.

663. Dr Chiles discussed the issues that have arisen with administering the noise rules relating to motorised craft under the ODP. He recommended that deletion of the testing methodology

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<sup>453</sup> Submission 433, supported by FS1345 and opposed by FS1097, FS1117

<sup>454</sup> Submissions 607 and 621

<sup>455</sup> Submission 649

<sup>456</sup> Submission 243, opposed by FS1224, FS1245

<sup>457</sup> Submission 621

<sup>458</sup> Submission 758

in Rule 36.8 would partly address concerns raised in Submission 621. Ms Evans recommended a consolidation of Rules 36.5.16 and 36.8 which would include deletion of the testing methods.

664. Dr Chiles advised us that the level of 77 dB  $L_{ASmax}$  had operated successfully under the ODP. He considered that if it were reduced, it would restrict the ability of many vessels to operate on the surface of lakes and rivers in the District. He also considered it was not practicable to assess the sound of on-board commentary using the methods for assessing motorised craft. He considered the general noise standards (Rule 36.5.1 for instance) should apply to such noise.
665. It was Dr Chiles' opinion that the noise from jet boat racing should be assessed on a case by case basis via the resource consent process.
666. As alluded to above, Ms Evans recommended a consolidation of Rules 36.5.16 and 36.8. In doing this she incorporated Rule 36.8.1.2 into Rule 36.5.16. As notified, there was a potential conflict between these two rules, and, at minimum, an ambiguity. Rule 36.5.16 set a single noise limit, and in the "Time" Column stated "Refer 36.8". Rule 36.8.1.2 stated:  
*The measured sound pressure level shall not exceed a maximum A weighted level:*
- 77 dB  $L_{ASmax}$  for vessels to be operated between the hours of 0800 and 2000;
  - 67 dB  $L_{ASmax}$  for vessels to be operated between the hours of 2000 and 0800.
667. In consolidating the rules, Ms Evans pulled the night-time level into Rule 36.5.16. We need to consider whether a plan user would have expected the night-time limits to apply given the notified version of Rule 36.5.16. As Ms Black's evidence, on behalf of Real Journeys Ltd, was concerned in part with the ability of her company's vessels to operate between 0700 and 0800, and 2000 and 2100, in accordance with the lower levels, we can be satisfied that submitters understood those lower limits to apply.
668. While Ms Black's evidence was mainly focussed on the permitted activity status sought, as discussed in an earlier section above, she did explain the nature of Real Journeys' vessel operations. We understood Dr Chiles' evidence to be that the PDP noise rules for vessels represented no change from those in the ODP for commercial vessels. There was nothing in Ms Black's evidence to suggest that meeting the ODP noise limits had been an issue for her company. For those reasons, we see no justification in altering the limits in Rule 36.5.16.
669. Mr McKenzie presented a statement on behalf of Jet Boating New Zealand Inc in respect of the request for a separate noise limit for jet boats taking part in jet boat race events. He attached to his evidence a noise report from 2005 for applications for a number of international jet boat races.
670. The fundamental difficulty this submitter has is that Rules 36.5.16 and 36.8 only relate to commercial vessels. We do not understand jet boats involved in jet boat races to fall into that category. In the absence of any other noise rules controlling vessels, non-commercial boating fall to be considered under the provisions of Table 2. Dr Chiles expressed the opinion that the same noise limits should apply to all motorised craft<sup>459</sup>. We agree and recommend that the Council initiate a variation to apply the noise limits in Rule 36.5.16 to all motorised craft. Jet Boating New Zealand Inc would have the opportunity to lodge a submission on such a variation if it considered it did not adequately provide for its members' activities.

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<sup>459</sup> Dr Stephen Chiles, EiC, paragraph 7.1

671. In summary, for the reasons set out above, we agree with the revised version of Rule 36.5.16 (renumbered 36.5.14) recommended by Ms Evans and recommend the Council adopt that version of the rule as set out in Appendix 3, and we recommend the deletion of Rule 36.8.

#### 17.10. Rule 36.6

672. This rule contained provisions designed to protect nearby residents from the effects of airport noise. Rule 36.6.1 related specifically to a zone which was not part of PDP: Stage 1 – the Rural Visitor Zone. Rule 36.6.2 (Table 4) set the acceptable construction methods to meet the sound insulation requirements within the Air Noise Boundary of the Queenstown Airport. Rule 36.6.3 (Table 5) set out the ventilation requirements within the Outer Control Boundary and Air Noise Boundary of Queenstown and Wanaka Airports.

673. One submission supported the rules in full<sup>460</sup>, one supported Table 4 with a minor correction and replacement of Table 5<sup>461</sup>, one sought amendments to address modern building solutions<sup>462</sup>, and another sought that provision be made for requiring air conditioning<sup>463</sup>. Another submission<sup>464</sup> was listed as being relevant to this rule, but on reading the submission we concluded it only related to the provision for informal airports in the rural chapters. We have taken no account of that submission and leave it to the Stream 2 Hearing Panel to deal with.

674. We consider Rule 36.6.1 creates the same issues as those we discussed above in relation to ODP zone names being listed in Rules 36.5.4, 36.5.6 and 36.5.7. In our view, for the purposes of the PDP, the Rural Visitor Zone does not exist. Thus, this rule is of no practical effect. We also note that this rule has not been mentioned in the Section 32 Report for Noise. In fact, that report does not mention the Rural Visitor Zone at all. We can only conclude that the inclusion of this rule is a mistake that should be corrected. For those reasons, we recommend Rule 36.6.1 be deleted as an error under Clause 16(2).

675. Dr Chiles provided useful evidence on the construction and ventilation requirements<sup>465</sup>. It was his advice that the glazing requirement in Table 4 be changed to double glazing with 4mm thick panes separated by a cavity at least 12mm wide. He also confirmed that ceiling plasterboard should be 9 mm, as sought in Submission 433.

676. In terms of ventilation, Dr Chiles advised that he had sought advice (for another client) on how ventilation rules could meet the aim of providing sufficient thermal comfort for occupants, so they have a free choice to leave windows closed if required to reduce adverse external sound. Based on that review, he recommended a specification that would replace Rule 36.6.3 (and also 36.7 which we deal with below). In his opinion, such a specification would give effect to Submission 80, but would only adopt the specification put forward in Submission 433 in part. Ms Evans redrafted Rule 36.6.3 based on Dr Chiles advice.

677. The only submitter heard from in respect of this rule was QAC. By the time of the hearing the only matters at issue related to Rule 36.6.3 – Table 5. These issues can be further narrowed to be, in essence:

- a. The appropriate standard for low rate ventilation;

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<sup>460</sup> Submission 649

<sup>461</sup> Submission 433, opposed by FS1097, FS1117

<sup>462</sup> Submission 383, opposed by FS1340

<sup>463</sup> Submission 80, opposed by FS1077

<sup>464</sup> Submission 310, opposed by FS1245

<sup>465</sup> Dr Stephen Chiles, EIC, Section 14

- b. How many air changes per hour occurred at high setting on the ventilation system;
  - c. The need for passive relief venting; and
  - d. The measuring point for assessing the noise level of the ventilation system.
678. Mr Roberts provided expert ventilation evidence. He described the difficulties faced in implementing the ventilation system required by the notified rules. He also identified that some of the requirements, particularly that requiring 15 air changes per hour, were unnecessary in the Queenstown climate. His recommendation was that Table 5 should be amended so as to:
- a. *Reduce the high setting air changes so that there is no difference between Bedrooms and other Critical Listening Environments, for the purposes of rationalising the type, physical size and quantity of separate ventilation systems required to comply, and that those ventilation systems can readily achieve the difference between high and low setting air flow rates;*
  - b. *Provide the ability to use more modern and efficient plant, including heat pump air conditioning units; and*
  - c. *Simplify the system design in order that it can be readily designed to comply by local contractors.*<sup>466</sup>
679. In respect of the differences between the Council provisions and QAC provisions, he noted:
- a. The ventilation rates should not be linked to provisions of the NZ Building Code as those provisions are designed for different purposes;
  - b. While 6 air changes per hour proposed by the Council is very similar to the 5 air changes per hour he recommended, the extra change per hour would require an additional fan or complex air flow control system, with costs disproportionate to benefit;
  - c. High air change setting and cooling via heat pump cooling system could be provided as alternates;
  - d. The omission of a heating requirement from the Council proposal is possibly an error;
  - e. To ensure that combustion appliances can operate safely under the high air change requirement, additional passive relief venting is required;
  - f. There should be no need to duplicate heating, ventilation or cooling systems where they are already present and satisfy the requirements of the rule<sup>467</sup>.
680. Ms O’Sullivan attached a draft rule that, in her opinion, achieved the matters raised by Mr Roberts<sup>468</sup>.
681. The other outstanding matter was the point at which to measure the noise of the cooling system. The rule stated that noise levels were to be measure at a distance of 1 m to 2 m from any diffuser. Dr Chiles recommended that it be set at 1 m to remove ambiguity, while it was Mr Day’s evidence that this should be set at 2 m.
682. Ms Wolt submitted that there was no scope to set the measuring point at 1 m, while there was scope to set it at 2 m. In her Reply Statement, Ms Evans accepted that there may not be scope to set it at 1 m and recommended that it be set at 2 m, noting that it was likely that most persons measuring such noise would use the most lenient point.<sup>469</sup>

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<sup>466</sup> Scott Roberts, EiC, paragraph 17

<sup>467</sup> *ibid*, paragraphs 28 - 38

<sup>468</sup> Kirsty O’Sullivan, EiC, Appendix D

<sup>469</sup> Ruth Evans, Reply Statement, paragraph 8.4

683. The evidence from the noise experts did not suggest that there was a difference between the ventilation rule options put to us in terms of protecting residents from aircraft noise. Given that lack of difference, we prefer the expert advice of Mr Roberts and accept that the rule drafted by Ms O'Sullivan, subject to minor amendments, is the most appropriate to include in the PDP. As amended, this rule explicitly provides for cooling as sought in Submission 80.
684. For those reasons, we recommend that Rule 36.6.3 (renumber 36.6.2) be adopted in the form shown in Appendix 3.

#### 17.11. Rule 36.7

685. This rule provides ventilation requirements for critical listening environments in the Wanaka and Queenstown Town Centre Zones, the Local Shopping Zones and the Business Mixed Use Zone. There were no submissions on this rule and the Council, therefore, has no scope to change it other than by variation. It was Dr Chiles' evidence that it did need changing, even if only to correct the low setting from 1-2 ac/hr to 0.5 ac/hr. We recommend the Council obtain expert ventilation advice on appropriate standards for these zones and implement a variation to implement that advice if required.

#### 17.12. Consequential Amendments Recommended by Other Hearing Streams

686. In addition to the amendments recommended by the Stream 8 Panel in relation to Section 36.1 and Rule 36.3.2.8 discussed above, that Panel has also recommended consequential amendments to recommended Rules 36.5.1, 36.5.3, 36.5.4 and 36.5.14.
687. The amendment to Rule 36.5.1 is consequential on the recommended rezoning of Wanaka Airport from Rural to Airport Zone. We agree that listing the Airport Zone – Wanaka in this rule will continue the notified noise regime for the land and therefore it can be made as a non-substantive change under Clause 16(2).
688. The remaining amendments are consequential on changing the name of the Airport Mixed Use Zone to Airport Zone. Again such changes are non-substantive changes under Clause 16(2).
689. We recommend those amendments, as shown in Appendix 3, are adopted.

#### 17.13. Summary of Conclusions on Rules

690. We have set out in Appendix 3 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that the rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 36, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

## 18. CHANGES SOUGHT TO DEFINITIONS

### 18.1. Introduction

691. Submitters on this Chapter also lodged submissions on a number of notified definitions and also sought the inclusion of several new definitions. In accordance with the Hearing Panel's directions in its Second Procedural Minute dated 5 February 2016, we heard evidence on these definitions and have considered them in the context of the rules which apply them. However, to ensure a consistent outcome of consideration of definitions, given the same definition may be relevant to a number of hearing streams, our recommendations in this part of the report are to the Hearing Stream 10 Panel, who have overall responsibility for recommending the final form of the definitions to the Council. As the recommendations in this section are not

directly to the Council, we have listed the wording we are recommending for these definitions in Appendix 5.

#### 18.2. Noise

692. One submission<sup>470</sup> sought that  $L_{dn}$  be deleted from the definition of noise. The submission suggests that it is only there to allow helicopters and no special provision should be made for noise from helicopters.

693. In discussing Rule 36.5.13 above we noted that expert noise evidence advised that the  $L_{dn}$  method is the best for measuring noise from helicopters. We recommend to the Stream 10 Hearing Panel that this submission be rejected.

#### 18.3. Notional Boundary

694. The Southern District Health Board<sup>471</sup> recommended that “façade” in this definition be replaced by “any side” on the basis that in rural areas, where notional boundaries are used for noise measurement, it is all sides of the building that are important. Using the term façade may imply that it is only that facing the road which is relevant.

695. We agree with that logic and recommend to the Stream 10 Hearing Panel that the definition of notional boundary be amended to read:

***Notional boundary** means a line 20 m from any side of any residential unit or the legal boundary whichever is closer to the residential unit.*

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<sup>470</sup> Submission 243, opposed by FS1340

<sup>471</sup> Submission 649

## PART E: OVERALL RECOMMENDATION

696. For the reasons we have set out above, we recommend to the Council that:
- a. Chapter 30, in the form set out in Appendix 1, be adopted;
  - b. Chapter 35, in the form set out in Appendix 2, be adopted;
  - c. Chapter 36, in the form set out in Appendix 3, be adopted; and
  - d. The relevant submissions and further submissions be accepted, accepted in part or rejected as set out in Appendix 4.
697. We recommend to the Stream 10 Hearing Panel that the definitions listed in Appendix 5 be included in Chapter 2 for the reasons set out above.
698. We further recommend that the Council consider initiating variations to deal with the following matters:
- a. Amend Objective 30.2.1 and associated policies as discussed in Section 3.1 above;
  - b. Delete Policy 30.2.5.4 as discussed in Section 3.5 above;
  - c. Amend definition of “utility” to exclude airport activities within the Airport Zone as discussed in Section 4.3 above;
  - d. Amend Rule 35.4.12 to make it consistent with Objective 35.2.5 and associated policies as discussed in Section 8.5 above;
  - e. Apply Rule 36.5.13 to all motorised craft as discussed in Section 19.9 above;
  - f. Amend Rule 36.7 as recommended to us by Dr Chiles and discussed in Section 19.11 above.

**For the Hearing Panel**



**Denis Nugent, Chair**  
**Date: 30 March 2018**



**Appendix 1: Chapter 30 as Recommended**

# 30 ENERGY AND UTILITIES

## 30.1

# Purpose

Energy and Utilities are of strategic importance and require a coordinated approach in relation to the development of energy resources, the generation of electricity and the provision of essential infrastructure throughout the District.

### 30.1.1 Energy

Energy resources play a key role in the socio-economic wellbeing and growth of the District. Local energy needs may change over time and are dependent on the scale of demand, as well as measures to reduce demand through energy efficiency, conservation and small scale renewable generation.

In the future, there may be a need for new generation sources to meet demand. Electricity generation by renewable energy sources is desired over non-renewable sources and this is reinforced in the National Policy Statement on Renewable Electricity Generation 2011. The generation of electricity from non-renewable sources is generally discouraged. However, standby generation may be necessary for essential public, civic, community and health functions, or in areas not connected to the electricity distribution network.

Energy efficiency and conservation go hand in hand with renewable energy. Conserving the use of energy together with the generation of renewable energy will be vital in responding to the challenges of providing enough energy to meet future energy needs and reducing greenhouse gas emissions. Small and community scale generation is encouraged and advantages of solar energy within the District are recognised. The benefits of solar energy may be realised through site design methods which promote solar efficient design, in addition to the inclusion of solar photovoltaic panels and solar hot water heating systems within buildings. Sustainable building forms which reduce energy demand and minimise heating costs are encouraged, including use of the Homestar™ rating system for residential buildings and Green Star tool for commercial buildings.

### 30.1.2 Utilities

Utilities are essential to the servicing and functioning of the District. Utilities have the purpose to provide a service to the public and are typically provided by a network utility operator.

Due to the importance of utilities in providing essential services to the community, their often high capital cost to establish, and their long life expectancy, the need for the establishment and on-going functioning, maintenance and upgrading of utilities is recognised. In addition, some utilities have specific locational needs that need to be accommodated for their operation. The co-location of utilities may achieve efficiencies in design and operation, reduce capital investment costs and also minimise amenity and environmental effects. The ability to co-locate compatible uses should be considered for all utility proposals.

It is recognised that while utilities can have national, regional and local benefits, they can also have adverse effects on surrounding land uses, some of which have been established long before the network utility. The sustainable management of natural and physical resources requires a balance between the effects of different land uses. However, it is also necessary that essential utilities are protected, where possible, from further encroachment by incompatible activities which may lead to reverse sensitivity effects. This chapter therefore also addresses requirements for sensitive uses and habitable buildings located near to utilities.

## Energy

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

- Policies
- 30.2.1.1** Recognise the national, regional and local benefits of the District’s renewable and non-renewable electricity generation activities.
  - 30.2.1.2** Enable the operation, maintenance, repowering, upgrade of existing non-renewable electricity generation activities and development of new ones where adverse effects can be avoided, remedied or mitigated.

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

- a. It maintains or enhances electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;**
  - b. It maintains or enhances the security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;**
  - c. It assists in meeting international climate change obligations;**
  - d. It reduces reliance on imported fuels for the purpose of generating electricity;**
  - e. It helps with community resilience through development of local energy resources and networks.**
- Policies
- 30.2.2.1** Enable the development, operation, maintenance, repowering and upgrading of new and existing renewable electricity generation activities, (including small and community scale), in a manner that:
    - a. recognises the need to locate renewable electricity generation activities where the renewable electricity resources are available;
    - b. recognises logistical and technical practicalities associated with renewable electricity generation activities;
    - c. provides for research and exploratory-scale investigations into existing and emerging renewable electricity generation technologies and methods.
  - 30.2.2.2** Enable new technologies using renewable energy resources to be investigated and established in the district.

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

- Policies
- 30.2.3.1** Promote the incorporation of Small and Community-Scale Distributed Electricity Generation structures and associated buildings (whether temporary or permanent) as a means to improve efficiency and reduce energy demands.
  - 30.2.3.2** Ensure the visual effects of Wind Electricity Generation do not exceed the capacity of an area to absorb change or significantly detract from landscape and visual amenity values.
  - 30.2.3.3** Promote Biomass Electricity Generation in proximity to available fuel sources that minimise external effects on the surrounding road network and the amenity values of neighbours.
  - 30.2.3.4** Assess the effects of Renewable Electricity Generation proposals, other than Small and Community Scale with regards to:
    - a. landscape values and areas of significant indigenous flora or significant habitat for indigenous fauna;
    - b. recreation and cultural values, including relationships with tangata whenua;
    - c. amenity values;
    - d. the extent of public benefit and outcomes of location specific cost-benefit analysis.
  - 30.2.3.5** Existing energy facilities, associated infrastructure and undeveloped energy resources are protected from incompatible subdivision, land use and development.
  - 30.2.3.6** To compensate for adverse effects, consideration must be given to any offset measures (including biodiversity offsets) and/or environmental compensation including those which benefit the local environment and community affected.
  - 30.2.3.7** Consider non-renewable energy resources including standby power generation and Stand Alone Power systems where adverse effects can be mitigated.

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

- Policies
- 30.2.4.1** Encourage energy efficiency and conservation practices, including use of energy efficient materials and renewable energy in development.
  - 30.2.4.2** Encourage subdivision and development to be designed so that buildings can utilise energy efficiency and conservation measures, including by orientation to the sun and through other natural elements, to assist in reducing energy consumption.

- 30.2.4.3** Encourage Small and Community-Scale Distributed Electricity Generation and Solar Water Heating structures within new or altered buildings.
- 30.2.4.4** Encourage building design which achieves a Homestar™ certification rating of 6 or more for residential buildings, or a Green Star rating of at least 4 stars for commercial buildings.
- 30.2.4.5** Transport networks should be designed so that the number, length and need for vehicle trips is minimised, and reliance on private motor vehicles is reduced, to assist in reducing energy consumption.
- 30.2.4.6** Control the location of buildings and outdoor living areas to reduce impediments to access to sunlight.

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## Utilities

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

- Policies
- 30.2.5.1** Utilities are provided to service new development prior to buildings being occupied, and activities commencing.
  - 30.2.5.2** Ensure the efficient management of solid waste by:
    - a. encouraging methods of waste minimisation and reduction such as re-use and recycling;
    - b. providing landfill sites with the capacity to cater for the present and future disposal of solid waste;
    - c. assessing trends in solid waste;
    - d. identifying solid waste sites for future needs;
    - e. consideration of technologies or methods to improve operational efficiency and sustainability (including the potential use of landfill gas as an energy source);
    - f. providing for the appropriate re-use of decommissioned landfill sites.
  - 30.2.5.3** Recognise the future needs of utilities and ensure their provision in conjunction with the provider.
  - 30.2.5.4** Assess the priorities for servicing established urban areas, which are developed but are not reticulated.
  - 30.2.5.5** Ensure reticulation of those areas identified for urban expansion or redevelopment is achievable, and that a reticulation system be implemented prior to subdivision.
  - 30.2.5.6** Encourage low impact design techniques which may reduce demands on local utilities.

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

- Policies
- 30.2.6.1** Provide for the need for maintenance or upgrading of utilities including regionally significant infrastructure to ensure its on-going viability and efficiency subject to managing adverse effects on the environment consistent with the objectives and policies in Chapters 3, 4, 5 and 6.
  - 30.2.6.2** When considering the effects of proposed utility developments consideration must be given to alternatives, and also to how adverse effects will be managed through the route, site and method selection process, while taking into account the locational, technical and operational requirements of the utility and the benefits associated with the utility.
  - 30.2.6.3** Ensure that the adverse effects of utilities on the environment are managed while taking into account the positive social, economic, cultural and environmental benefits that utilities provide, including:
    - a. enabling enhancement of the quality of life and standard of living for people and communities;
    - b. providing for public health and safety;
    - c. enabling the functioning of businesses;
    - d. enabling economic growth;
    - e. enabling growth and development;
    - f. protecting and enhancing the environment;
    - g. enabling the transportation of freight, goods, people;
    - h. enabling interaction and communication.
  - 30.2.6.4** Encourage the co-location of facilities where operationally and technically feasible.
  - 30.2.6.5** Manage land use, development and/or subdivision in locations which could compromise the safe and efficient operation of utilities.

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

- Policies
- 30.2.7.1** Manage the adverse effects of utilities on the environment by:
    - a. avoiding their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines and where avoidance is not practicable, avoid significant adverse effects and minimise other adverse effects on those sites, areas, landscapes or features;
    - b. encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment;
    - c. ensuring that redundant utilities are removed;

- d. using landscaping and or colours and finishes to reduce visual effects;
- e. integrating utilities with the surrounding environment; whether that is a rural environment or existing built form.

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

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

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

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

Policies

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

- a. only allowing buildings, structures and earthworks in the National Grid Yard where they will not compromise the operation, maintenance, upgrade and development of the National Grid;
- b. avoiding Sensitive Activities within the National Grid Yard;
- c. managing potential electrical hazards, and the adverse effects of buildings, structures and Sensitive Activities on the operation, maintenance, upgrade and development of the Frankton Substation;
- d. managing subdivision within the National Grid corridor so as to facilitate good amenity and urban design outcomes.



## 30.3

# Other Provisions and Rules

### 30.3.1 District Wide

Attention is drawn to the following District Wide Chapters.

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

### 30.3.2 Information on National Environmental Standards and Regulations

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

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

The provisions of the NESETA prevail over the provisions of this District Plan to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the Standard shall apply.
- b. Resource Management (National Environmental Standards for Telecommunications Facilities “NESTF”) Regulations 2016:
 

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

  - i. cabinets in and outside of road reserve;
  - ii. antennas on existing and new poles in the road reserve;
  - iii. replacement, upgrading and co-location of existing poles and antennas outside the road reserve;
  - iv. new poles and antennas in rural areas;
  - v. antennas on buildings;
  - vi. small-cell units on existing structures;
  - vii. telecommunications lines (underground, on the ground and overhead) and facilities in natural hazard areas; and
  - viii. associated earthworks.

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

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

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

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

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

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

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

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

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

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### 30.3.3 Interpreting and Applying the Rules

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

**30.3.3.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column applies. Where an activity breaches more than one Standard, the most restrictive status applies to the Activity.

**30.3.3.3** The rules contained in this Chapter take precedence over any other rules that may apply to energy and utilities in the District Plan, unless specifically stated to the contrary and with the exception of:

- a. 25 Earthworks;
- b. 26 Historic Heritage.

Note: Utilities can also be provided as designations if the utility operator is a requiring authority. Refer to Chapter 37 – Designations of the Plan for conditions and descriptions of designated sites.

**30.3.3.4** The following abbreviations are used in the tables.

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

## 30.4

## Energy Rules

30.4.1	Renewable Energy Activities	Activity Status
30.4.1.1	<b>Small and Community-Scale Distributed Electricity Generation and Solar Water Heating</b> (including any structures and associated buildings but excluding Wind Electricity Generation), other than those activities restricted by Rule 30.4.1.4.	P
30.4.1.2	<p><b>Small and Community-Scale Distributed Wind Electricity Generation</b> within the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone that complies with Rule 30.4.2.3</p> <p>Control is reserved to the following:</p> <ul style="list-style-type: none"> <li>a. noise;</li> <li>b. visual effects;</li> <li>c. colour;</li> <li>d. vibration.</li> </ul>	C
30.4.1.3	<p><b>Renewable Electricity Generation Activities</b>, limited to masts, drilling and water monitoring for the purpose of research and exploratory-scale investigations that are temporary.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. the duration of works and the research purpose;</li> <li>b. the location of investigation activities and facilities, including proximity to, and effects on, sensitive uses and environments;</li> <li>c. the height and scale of facilities and potential visual effects;</li> <li>d. environmental effects.</li> </ul>	RD
30.4.1.4	<p><b>Small and Community-Scale Distributed Electricity Generation and Solar Water Heating</b> including any structures and associated buildings, which is either:</p> <ul style="list-style-type: none"> <li>a. Wind Electricity Generation other than that provided for in Rule 30.4.1.2.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>b. Located in any of the following sensitive environments: <ul style="list-style-type: none"> <li>i. Arrowtown Residential Historic Management Zone;</li> <li>ii. Town Centre Special Character Areas ;</li> <li>iii. Significant Natural Areas;</li> <li>iv. Outstanding Natural Landscapes;</li> <li>v. Outstanding Natural Features;</li> <li>vi. Heritage Features and Heritage Overlay Areas.</li> </ul> </li> </ul>	D
30.4.1.5	<b>Renewable Electricity Generation Activities</b> , other than Small and Community-Scale Distributed Electricity Generation, and including any new or additional building housing plant and electrical equipment.	D

30.4.2	Renewable Energy Standards	Activity Status
30.4.2.1	<p><b>Small and Community-Scale Distributed Electricity Generation and Solar Water Heating must:</b></p> <p><b>30.4.2.1.1</b> Not overhang the edge of any building.</p> <p><b>30.4.2.1.2</b> Be finished in recessive colours: black, dark blue, grey or brown if Solar Electricity Generation cells, modules or panels.</p> <p><b>30.4.2.1.3</b> Be finished in similar recessive colours to those in the above standard if frames, mounting or fixing hardware. Recessive colours must be selected to be the closest colour to the building to which they form part of, are attached to, or service.</p> <p><b>30.4.2.1.4</b> Be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings do not apply.</p> <p><b>30.4.2.1.5</b> Not intrude through any recession planes applicable in the zone in which they are located.</p> <p><b>30.4.2.1.6</b> Not protrude more than a maximum of 0.5 m above the maximum height limit specified for the zone if solar panels on a sloping roof.</p> <p><b>30.4.2.1.7</b> Not protrude a maximum of 1.0 m above the maximum height limit specified for the zone, for a maximum area of 5m<sup>2</sup> if solar panels on a flat roof.</p> <p><b>30.4.2.1.8</b> Not exceed 150m<sup>2</sup> in area if free standing Solar Electricity Generation and Solar Water Heating.</p> <p><b>30.4.2.1.9</b> Not exceed 2.0 metres in height if free standing Solar Electricity Generation and Solar Water Heating.</p> <p><b>30.4.2.1.10</b> Be located within an approved building platform where located in the Rural, Gibbston Character or Rural Lifestyle Zone.</p>	D
30.4.2.2	<p><b>Mini and Micro Hydro Electricity Generation must:</b></p> <p><b>30.4.2.2.1</b> Comply with Road and Internal Boundary Building Setbacks in the zone in which they are located.</p> <p><b>30.4.2.2.2</b> Not exceed 2.5 metres in height.</p> <p><b>30.4.2.2.3</b> Be finished in recessive colours consistent with the building it is servicing on site.</p> <p>Note: Reference should also be made to the Otago Regional Council Regional Plan: Water.</p>	D

30.4.2	Renewable Energy Standards	Activity Status
30.4.2.3	<p><b>Wind Electricity Generation must:</b></p> <p><b>30.4.2.3.1</b> Comprise no more than two Wind Electricity Generation turbines or masts on any site.</p> <p><b>30.4.2.3.2</b> Involve no lattice towers.</p> <p><b>30.4.2.3.3</b> Be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings do not apply.</p> <p><b>30.4.2.3.4</b> Not exceed the maximum height or intrude through any recession planes applicable in the zone in which they are located.</p> <p><b>30.4.2.3.5</b> Be finished in recessive colours with a light reflectance value of less than 16%.</p> <p>Notes:</p> <p>In the Rural and Gibbston Character Zones the maximum height shall be that specified for non-residential building ancillary to viticulture or farming activities (10m).</p> <p>The maximum height for a wind turbine shall be measured to the tip of blade when in vertical position.</p> <p>Wind turbines must comply with Chapter 36 (Noise).</p>	D
30.4.2.4	<p><b>Biomass Electricity Generation</b></p> <p><b>30.4.2.4.1</b> Biomass Electricity Generation fuel material shall be sourced on the same site as the generation plant, except where the generation plant is located in Industrial Zones (and Industrial Activities Areas within Structure Plans).</p> <p><b>30.4.2.4.2</b> Any outdoor storage of Biomass Electricity Generation fuel material shall be screened from adjoining sites and public places.</p> <p><b>30.4.2.4.3</b> Biomass Electricity Generation plant and equipment shall be located inside a Building.</p> <p>Note: Reference should also be made to the Otago Regional Council Regional Plan: Air</p>	D
30.4.2.5	<p><b>Buildings for renewable energy activities</b></p> <p>Any building housing plant and electrical equipment associated with Renewable Electricity Generation activities, unless permitted in the zone in which it located or approved by resource consent, shall:</p> <p><b>30.4.2.5.1</b> Not exceed 10m<sup>2</sup> in area and 2.5m in height.</p> <p><b>30.4.2.5.2</b> Be set back in accordance with the internal and road boundary setbacks for accessory buildings in the zone in which it is located.</p> <p><b>30.4.2.5.3</b> Be finished in recessive colours, consistent with the building it is servicing on site.</p>	D

30.4.3	Non-Renewable Energy Activities	Activity Status
30.4.3.1	<p><b>Non-renewable Electricity Generation where either:</b></p> <p>a. the generation only supplies activities on the site on which it is located and involves either:</p> <ul style="list-style-type: none"> <li>i. standby generators associated with community, health care, and utility activities; or</li> <li>ii. generators that are part of a Stand-Alone Power System on sites that do not have connection to the local distributed electricity network.</li> </ul> <p>OR</p> <p>b. generators that supply the local distributed electricity network for a period not exceeding 3 months in any calendar year.</p> <p>Note: Diesel Generators must comply with the provisions of Chapter 36 (Noise).</p>	P
30.4.3.2	<b>Non-Renewable Energy Activities which are not otherwise specified.</b>	NC

## 30.5 Utility Rules

30.5.1	General Utility Activities	Non-compliance Status
30.5.1.1	<p><b>Buildings associated with a Utility</b></p> <p>Any building or cabinet or structure of 10m<sup>2</sup> or less in total footprint or 3m or less in height which is not located in the areas listed in Rule 30.5.1.4.</p> <p>This rule does not apply to:</p> <ul style="list-style-type: none"> <li>a. masts for navigation or meteorology</li> <li>b. poles, antennas, and associated cabinets (cabinets up to 10m<sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication</li> <li>c. lines and support structures.</li> </ul>	P
30.5.1.2	<p><b>Flood Protection Works for the maintenance, reinstatement, repair or replacement of existing flood protection works for the purpose of</b> maintaining the flood carrying capacity of water courses and/or maintaining the integrity of existing river protection works.</p>	P

30.5.1	General Utility Activities	Non-compliance Status
30.5.1.3	<p><b>Buildings (associated with a Utility)</b></p> <p>The addition, alteration or construction of buildings greater than 10m<sup>2</sup> in total footprint or 3m in height other than buildings located in the areas listed in Rule 30.5.1.4.</p> <p>This rule does not apply to:</p> <ul style="list-style-type: none"> <li>a. masts or poles for navigation or meteorology;</li> <li>b. poles, antennas, and associated cabinets (cabinets up to 10m<sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation) for telecommunication and radio communication;</li> <li>c. line and support structures.</li> </ul> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. location;</li> <li>b. external appearance and visual effects;</li> <li>c. associated earthworks;</li> <li>d. parking and access;</li> <li>e. landscaping.</li> </ul>	C
30.5.1.4	<p><b>Buildings (associated with a Utility)</b></p> <p>Any addition, alteration or construction of buildings in:</p> <ul style="list-style-type: none"> <li>a. any Significant Natural Areas;</li> <li>b. the Arrowtown Residential Historic Management Zone.</li> </ul> <p>This rule does not apply to:</p> <ul style="list-style-type: none"> <li>a. masts or poles for navigation or meteorology;</li> <li>b. poles, antennas, and associated cabinets (cabinets up to 10m<sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication;</li> <li>c. lines and support structures.</li> </ul>	D
30.5.1.5	<b>Flood Protection Works</b> not otherwise provided for in Rule 30.4.5.1.2	D
30.5.1.6	<b>Waste Management Facilities</b>	D
30.5.1.7	<b>Water and Wastewater Treatment Facilities</b>	D
30.5.1.8	<p><b>Utilities and Buildings (associated with a Utility) which are not:</b></p> <p><b>30.5.8.1</b> provided for in any National Environmental Standard;</p> <p>OR</p> <p><b>30.5.8.2</b> otherwise listed in Rules 30.5.1.1 to 30.5.1.7, 30.5.3.1 to 30.5.3.5, 30.5.5.1 to 30.5.5.8, or 30.5.6.1 to 30.5.6.13.</p>	D

30.5.2	General Utilities - Standards	Non-compliance Status
30.5.2.1	<p><b>Setback from internal boundaries and road boundaries</b></p> <p>Where the utility is a building, it must be set back in accordance with the internal and road boundary setbacks for accessory buildings in the zone in which it is located.</p> <p>This rule does not apply to:</p> <ol style="list-style-type: none"> <li>poles, antennas, and associated cabinets (cabinets up to 10m<sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication;</li> <li>lines and support structures for telecommunications.</li> </ol>	D
30.5.2.2	<p><b>Buildings associated with a Utility in Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF)</b></p> <p>Any building within an ONL or ONF must be less than 10m<sup>2</sup> in area and less than 3m in height.</p> <p>This rule does not apply to:</p> <ol style="list-style-type: none"> <li>masts or poles for navigation or meteorology;</li> <li>poles, antennas, and associated cabinets (cabinets up to 10m<sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication;</li> <li>lines and support structures.</li> </ol>	D
30.5.2.3	<p><b>Height</b></p> <p>All buildings or structures must comply with the relevant maximum height provisions for buildings of the zone they are located in.</p> <p>This rule does not apply to:</p> <ol style="list-style-type: none"> <li>masts or poles for navigation or meteorology;</li> <li>poles, antennas, and associated cabinets (cabinets up to 10m<sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication;</li> <li>lines and support structures.</li> </ol>	D



30.5.3	National Grid Activities	Non-compliance Status
30.5.3.1	<b>Minor Upgrading</b>	P
30.5.3.2	<b>Buildings, structures and activities that are not National Grid sensitive activities within the National Grid Corridor</b> Subject to compliance with Rules 30.5.4.1 and 30.5.4.2.	P
30.5.3.3	<b>Earthworks within the National Grid Yard</b> Subject to compliance with Rule 30.5.4.2	P
30.5.3.4	<b>Buildings, structures and National Grid sensitive activities in the vicinity of the Frankton Substation</b> Any building, structure or National Grid sensitive activity within 45m of the designated boundary of Transpower New Zealand Limited's Frankton Substation. Control is reserved to: a. the extent to which the design and layout (including underground cables, services and fencing) avoids adverse effects on the on-going operation, maintenance upgrading and development of the substation; b. the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and c. measures proposed to avoid or mitigate potential adverse effects.	C
30.5.3.5	<b>Erecting any lines, lattice towers or support structures</b> for new overhead lines to convey electricity (at a voltage of more than 110kV with a capacity over 100MVA) in all zones.	D

30.5.4	National Grid Standards	Non-compliance Status
30.5.4.1	<p><b>Buildings and Structures permitted within the National Grid Yard</b></p> <p><b>30.5.4.1.1</b> A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height.</p> <p><b>30.5.4.1.2</b> Network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid, excluding a building or structure for the reticulation and storage of water for irrigation purposes.</p> <p><b>30.5.4.1.3</b> Any new non-habitable building less than 2.5m high and 10m<sup>2</sup> in floor area and is more than 12m from a National Grid Support Structure.</p> <p><b>30.5.4.1.4</b> Any non-habitable building or structure used for agricultural activities provided that they are:</p> <ol style="list-style-type: none"> <li>less than 2.5m high;</li> <li>located at least 12m from a National Grid Support Structure;</li> <li>not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse, or a structure associated with irrigation, or a factory farm.</li> </ol> <p><b>30.5.4.1.5</b> Alterations to existing buildings that do not alter the building envelope.</p> <p><b>30.5.4.1.6</b> An agricultural structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001.</p> <p>Note: Refer to the Definitions for illustration of the National Grid Yard.</p>	NC
30.5.4.2	<p><b>Earthworks permitted within the National Grid Yard</b></p> <p><b>30.5.4.2.1</b> Earthworks within 6 metres of the outer visible edge of a National Grid Transmission Support Structure must be no deeper than 300mm.</p> <p><b>30.5.4.2.2</b> Earthworks between 6 metres to 12 metres from the outer visible edge of a National Grid Transmission Support Structure must be no deeper than 3 metres.</p> <p><b>30.5.4.2.3</b> Earthworks must not create an unstable batter that will affect a transmission support structure.</p> <p><b>30.5.4.2.4</b> Earthworks must not result in a reduction in the existing conductor clearance distance below what is required by the NZECP 34:2001.</p> <p>The following earthworks are exempt from the rules above:</p> <p><b>30.5.4.2.5</b> Earthworks undertaken by network utility operators in the course of constructing or maintaining utilities providing the work is not associated with buildings or structures for the storage of water for irrigation purposes.</p> <p><b>30.5.4.2.6</b> Earthworks undertaken as part of agricultural activities or domestic gardening.</p> <p><b>30.5.4.2.7</b> Repair sealing, resealing of an existing road, footpath, farm track or driveway.</p> <p>Note: Refer to the Definitions for illustration of the National Grid Yard.</p>	NC

30.5.5	Electricity Distribution Activities	Non-compliance Status
30.5.5.1	<b>Minor Upgrading</b>	P
30.5.5.2	<b>Lines and Supporting Structures</b> The placement and upgrading of lines, poles and supporting structures within formed legal road.	P
30.5.5.3	<b>Underground Electricity Cables</b> The placement of underground electricity distribution cables provided the ground surface is reinstated to the state it was prior to works commencing.	P
30.5.5.4	<b>Lines and Supporting Structures</b> Except as otherwise stated in Rules 30.5.5.2 above, and 30.5.5.5 below new lines and associated above ground support structures including masts, poles or ancillary equipment, but excluding lattice towers, to convey electricity (at a voltage of equal to or less than 100kV at a capacity equal to or less than 100MVA). Control is reserved to: <ol style="list-style-type: none"> <li>a. location;</li> <li>b. route;</li> <li>c. height;</li> <li>d. appearance, scale and visual effects.</li> </ol>	C
30.5.5.5	<b>Lines and Supporting Structures</b> Any line or support structure where it involves erecting any support structures for overhead lines to convey electricity (at a voltage of equal to or less than 110kV at a capacity of equal to or less than 100MVA) in any Outstanding Natural Feature or Outstanding Natural Landscape or Significant Natural Areas.	D

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.1	<b>Minor Upgrading</b>	P
30.5.6.2	<b>New Aerial Lines and Supporting Structures</b> within formed road reserve; or New aerial telecommunication line/s on existing telecommunication or power structures including when located in sensitive environments identified in Rule 30.5.6.5.	P
30.5.6.3	<b>The construction, alteration, or addition</b> to underground lines providing the ground surface is reinstated to the state it was prior to works commencing.	P
30.5.6.4	<b>New Aerial Lines and Supporting Structures (outside formed road reserve)</b> Not located in any of the sensitive environments identified by Rule 30.5.6.5 Control is reserved to: a. location; b. route; c. appearance, scale and visual effects.	C
30.5.6.5	<b>New Aerial Lines and Supporting Structures</b> Any line or support structure within any Outstanding Natural Feature or Outstanding Natural Landscape or Significant Natural Areas.	D
30.5.6.6	<b>Poles</b> With a maximum height no greater than: a. 18m in the High Density Residential (Queenstown – Flat Sites), Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Zones; b. 25m in the Rural Zone; c. 15m in the Business Mixed Use Zone (Queenstown); d. 13m in the Local Shopping Centre, Business Mixed Use (Wanaka) or Jacks Point zones; e. 11m in any other zone; and f. 8m in any identified Outstanding Natural Landscape.  Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Character Landscape, poles must be finished in colours with a light reflectance value of less than 16%.	P

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.7	<p><b>Poles</b></p> <p>Exceeding the maximum height for the zones identified in Rule 30.5.6.6 OR any pole located in</p> <ul style="list-style-type: none"> <li>a. any identified Outstanding Natural Feature;</li> <li>b. the Arrowtown Residential Historic Management Zone;</li> <li>c. Arrowtown Town Centre;</li> <li>d. Queenstown Special Character Area;</li> <li>e. Significant Natural Area;</li> <li>f. Sites containing a Heritage Feature; and</li> <li>g. Heritage Overlay Areas.</li> </ul>	D
30.5.6.8	<p><b>Antennas and ancillary equipment</b></p> <p>Provided that for panel antennas the maximum width is 0.7m, and for all other antenna types the maximum surface area is no greater than 1.5m<sup>2</sup> and for whip antennas, less than 4m in length.</p> <p>Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Landscape Classification, antennae must be finished in colours with a light reflectance value of less than 16%.</p>	P
30.5.6.9	<p><b>Antennas and ancillary equipment</b></p> <p>Subject to Rule 30.5.6.10 provided that for panel antennas the maximum width is between 0.7m and 1.0m, and for all other antenna types the surface area is between 1.5m<sup>2</sup> and 4m<sup>2</sup> and for whip antennas, more than 4m in length.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> <li>a. location;</li> <li>b. appearance, colour and visual effects</li> </ul>	C
30.5.6.10	<p><b>Any antennas located in the following:</b></p> <ul style="list-style-type: none"> <li>a. any identified Outstanding Natural Feature;</li> <li>b. the Arrowtown Residential Historic Management Zone ;</li> <li>c. Arrowtown Town Centre;</li> <li>d. Queenstown Special Character Area;</li> <li>e. Significant Natural Areas; and</li> <li>f. Heritage, Features and Heritage Overlay Areas.</li> </ul>	D
30.5.6.11	<p><b>Small Cell Units</b></p> <p>Provided that the small cell unit is not located within a Heritage Precinct.</p>	P

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.12	<p><b>Microcells</b></p> <p>A microcell and associated antennas, with a volume of between 0.11m<sup>3</sup> and 2.5m<sup>3</sup> provided that the microcell is not located within a Heritage Precinct.</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> <li>appearance;</li> <li>colour; and</li> <li>visual effects.</li> </ol>	C
30.5.6.13	<p><b>Small Cell Units and Microcells</b></p> <p><b>30.5.6.13.1</b> A microcell and associated antennas, with a volume more than 2.5m<sup>3</sup>.</p> <p>OR</p> <p><b>30.5.6.13.2</b> A small cell unit located within a Heritage Precinct.</p>	D

## 30.6

# Rules - Non-Notification of Applications

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

- 30.6.1.1** Controlled activities except for applications when within 45m of the designated boundary of Transpower New Zealand Limited's Frankton Substation.
- 30.6.1.2** Discretionary activities for Flood Protection Works.

**Appendix 2: Chapter 35 as Recommended**

# 35 TEMPORARY ACTIVITIES & RELOCATED BUILDINGS



## 35.1

# Purpose

The purpose of the Temporary Activity provisions is to enable temporary events, filming, construction activities, military training, temporary utilities and temporary storage to be undertaken, subject to controls intended to minimise adverse effects. The provisions recognise that temporary activities, events and filming are important to the economic, social, and cultural vitality of the District, and are therefore encouraged.

The Relocated Building provisions primarily seek to ensure that the reinstatement of such buildings is compatible with the surrounding environment and amenity. The requirements of this chapter enable matters to be considered in addition to any specific controls for buildings and structures in the Zone Chapters and other relevant District Wide Chapters.

## 35.2

# Objectives and Policies

### 35.2.1 **Objective – Temporary Events and Filming are encouraged and are undertaken in a manner that ensures the activity is managed to minimise adverse effects.**

Policies

- 35.2.1.1** Recognise and encourage the contribution that temporary events and filming make to the social, economic and cultural wellbeing of the District’s people and communities.
- 35.2.1.2** Permit small and medium-scale events during daytime hours, subject to controls on event duration, frequency and hours of operation.
- 35.2.1.3** Recognise that purpose-built event facilities are designed to cater for temporary activities.
- 35.2.1.4** Recognise that for public spaces, temporary events are anticipated as part of the civic life of the District.
- 35.2.1.5** Require adequate infrastructure, waste minimisation, traffic management, emergency management, security, and sanitation facilities to be available to cater for anticipated attendants at large-scale temporary events and filming.
- 35.2.1.6** Ensure temporary activities do not place an undue restriction on public access.
- 35.2.1.7** Recognise that noise is an anticipated component of temporary events and filming, while protecting residential amenity from undue noise during night-time hours.
- 35.2.1.8** Enable the operation of informal airports in association with temporary community events and filming, subject to minimising adverse effects on adjacent properties.
- 35.2.1.9** Require all structures associated with temporary events and filming to be removed at the completion of the activity, and any damage in public spaces to be remediated.

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**35.2.2 Objective – Temporary activities necessary to complete building and construction work are provided for.**

- Policies
- 35.2.2.1** Ensure temporary activities related to building and construction work are carried out with minimal disturbance to adjoining properties and on visual amenity values.
  - 35.2.2.2** Provide for small-scale retail activity to serve the needs of building and construction workers.
  - 35.2.2.3** Require temporary activities related to building and construction to be removed from the site following the completion of construction, and any damage in public spaces to be remediated.
- 

**35.2.3 Objective – Temporary Military Training Activities are provided for.**

- Policy
- 35.2.3.1** Enable temporary military training to be undertaken within the District.
- 

**35.2.4 Objective – Temporary Utilities needed for other temporary activities or for emergencies are provided for.**

- Policy
- 35.2.4.1** Enable short-term use of temporary utilities needed for other temporary activities or for emergency purposes.
- 

**35.2.5 Objective – Temporary Storage is provided for.**

- Policies
- 35.2.5.1** Permit temporary storage related to farming activity.
  - 35.2.5.2** Ensure temporary storage not required for farming purposes is of short duration and size to protect the visual amenity values of the area in which it is located.
- 

**35.2.6 Objective – Relocated buildings maintain amenity and minimise the adverse effects of relocation and reinstatement works.**

- 35.2.6.1** Provide for relocated buildings where adverse effects associated with the relocation and reinstatement are managed to provide a quality external appearance, and are compatible with the amenity of the surrounding area.

# 35.3

## Other Provisions and Rules

### 35.3.1 District Wide

Attention is drawn to the following District Wide chapters.

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

### 35.3.2 Interpreting and Applying the Rules

- 35.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.
- 35.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column applies. Where an activity breaches more than one Standard, the most restrictive status applies to the Activity.
- 35.3.2.3** The Rules of this Chapter relating to Temporary Activities take precedence over any other provision of the District Plan, with the exception of:
  - a. 26 Historic Heritage;
  - b. 31 Signs.
- 35.3.2.4** Notwithstanding 35.3.2.3, the Rules of this Chapter relating to Temporary Activities specify when the rules in Chapter 36 (Noise) do not apply.
- 35.3.2.5** For a Relocated Building, the provisions in this Chapter apply in addition to any relevant provision of any other Chapter.

Advice Notes

Relocated Buildings: Newly pre-fabricated buildings (delivered to a site for erection on that site) are excluded from the definition of Relocated Building, and are not subject to the rules of this chapter.

Temporary Events: The following activities associated with Temporary Events are not regulated by the District Plan:

- a. Food and Beverage;
- b. Sale of Alcohol.

Obstacle limitation surfaces at Queenstown or Wanaka Airport:

Any person wishing to undertake an activity that will penetrate the designated Airport Approach and Land Use Controls obstacle limitation surfaces at Queenstown or Wanaka Airport must first obtain the written approval of the relevant requiring authority, in accordance with section 176 of the Resource Management Act 1991.

**35.3.2.5** The following abbreviations are used within this Chapter.

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

## 35.4 Rules - Activities

	Temporary Activities and Relocated Buildings	Activity Status
<b>35.4.1</b>	<p><b>Temporary Events</b> held on public conservation land, including the use of the land as an informal airport, which holds a valid concession for the temporary event.</p> <p>For the purpose of this rule the relevant noise standards of the Zone do not apply.</p>	P
<b>35.4.2</b>	<p><b>Temporary Events</b> held within a permanent, purpose-built, hotel complex, conference centre, or civic building.</p>	P
<b>35.4.3</b>	<p><b>Temporary Events</b> held on Council-owned public recreation land, provided that:</p> <ul style="list-style-type: none"> <li>a. Noise Events do not occur during hours in which the night-time noise limits of the relevant Zone(s) are in effect, except for New Year's Eve.</li> </ul> <p>For the purpose of this rule the relevant noise standards of the Zone do not apply.</p>	P
<b>35.4.4</b>	<p>Any other <b>Temporary Events</b>, provided that:</p> <ul style="list-style-type: none"> <li>a. the number of persons (including staff) participating does not exceed 500 persons at any one time;</li> <li>b. the duration of the temporary event does not exceed 3 consecutive calendar days (excluding set up and pack down);</li> <li>c. the event does not operate outside of the hours of 0800 to 2000. Set up and pack down outside of these hours is permitted;</li> <li>d. no site shall be used for any temporary event more than 7 times in any calendar year;</li> <li>e. all structures and equipment are removed from the site within 3 working days of the completion of the event ;</li> <li>f. for the purpose of this rule the relevant noise standards of the Zone do not apply.</li> </ul>	P

	Temporary Activities and Relocated Buildings	Activity Status
<b>35.4.5</b>	<p><b>Temporary Events</b></p> <p>Informal airports for rotary wing aircraft flights in association with the use of a site for temporary events that are open to the general public provided that:</p> <ul style="list-style-type: none"> <li>a. the informal airport is only used during the hours of 0800 – 2000;</li> <li>b. no site shall be used for an informal airport for more than 7 days in any calendar year;</li> <li>c. no site shall be used for an informal airport more than one day in any calendar month;</li> <li>d. the aircraft operator has notified the Council’s Planning Department concerning the use of the informal airport.</li> </ul> <p>For the purpose of this Rule the relevant noise standards of the Zone do not apply.</p>	P
<b>35.4.6</b>	<p><b>Temporary Filming</b></p> <p>Held on public conservation land, including the use of the land as an informal airport, which holds a valid concession for the temporary filming activity.</p>	P
<b>35.4.7</b>	<p><b>Temporary Filming</b>, including the use of the land as an informal airport as part of that filming activity, provided that:</p> <ul style="list-style-type: none"> <li>a. the number of persons participating in the temporary filming does not exceed 200 persons at any one time within the Rural Zone, 100 persons in the Rural Lifestyle and Rural Residential Zones, and 50 persons in any other zone;</li> <li>b. within the Rural Zone, any temporary filming activity on a site, or in a location within a site, is limited to a total of 30 days, in any calendar year;</li> <li>c. in any other Zone, any temporary filming activity is limited to a total of 30 days (in any calendar year) with the maximum duration of film shooting not exceeding a total of 7 days in any calendar year;</li> <li>d. all building and structures are removed from the site upon completion of filming, and any damage incurred in public places is remediated;</li> <li>e. the use of land as an informal airport as part of filming activity is restricted to the Rural Zone.</li> </ul> <p>For the purpose of this Rule:</p> <p>The relevant noise standards of the Zone do not apply to temporary filming and the associated use of the site as an informal airport. However Council will use its power under the Resource Management Act 1991 to control unreasonable and excessive noise.</p>	P
<b>35.4.8</b>	<p><b>Temporary Construction-Related Activities</b></p> <p>Any temporary building (including a Relocated Building), scaffolding, crane, safety fences, and other similar structures and activities that are:</p> <ul style="list-style-type: none"> <li>a. ancillary to a building or construction project and located on the same site;</li> <li>b. are limited to the duration of an active construction project;</li> <li>c. are removed from the site upon completion of the active construction project.</li> </ul>	P
<b>35.4.9</b>	<p><b>Temporary Construction-Related Activities</b></p> <p>Any temporary food/beverage retail activity, for the direct purpose of serving workers of an active building or construction project.</p>	P
<b>35.4.10</b>	<p><b>Temporary Military Training</b></p> <p>Temporary Buildings and Temporary Activities related to temporary military training carried out pursuant to the Defence Act 1990, provided any such activity or building does not remain on the site for longer than the duration of the project.</p>	P

	<b>Temporary Activities and Relocated Buildings</b>	<b>Activity Status</b>
<b>35.4.11</b>	<p><b>Temporary Utilities</b></p> <p>Any temporary utilities that:</p> <ol style="list-style-type: none"> <li>are required to provide an emergency service; or</li> <li>are related to, and required in respect of, a permitted temporary activity specified in this chapter of the District Plan.</li> </ol>	P
<b>35.4.12</b>	<p><b>Temporary Storage</b></p> <p>Any temporary storage or stacking of goods or materials, other than for farming purposes, that does not remain on the site for longer than 3 months and does not exceed 50m<sup>2</sup> in gross floor area.</p> <p>Note: Any temporary storage which fails to meet this permitted activity rule is subject to the rules of the relevant Zone.</p>	P
<b>35.4.13</b>	<p><b>Relocated Building</b></p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> <li>the reinstatement works required to the exterior of the building and the timeframe to execute such works;</li> <li>the timeframe for placing the building on permanent foundations and the closing in of those foundations;</li> <li>the nature of other works necessary to the relocated building to ensure the building is compatible with the amenity values of the area.</li> </ol> <p>This rule does not apply to buildings for Temporary Construction-Related Activities, as addressed in Rules below.</p>	C
<b>35.4.14</b>	Any temporary activity or relocated building not otherwise listed as a permitted or controlled activity in this table.	D

# 35.5

## Rules - Standards

	Standards for Activities	Non- compliance Status																																																
<b>35.5.1</b>	<p><b>Glare</b></p> <p>All fixed exterior lighting must be directed away from adjacent sites and roads.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the effect of lighting on the amenity of adjoining properties.</p>																																																
<b>35.5.2</b>	<p><b>Waste Management</b></p> <p>All temporary events with more than 500 participants at any one time, and temporary filming with more than 200 participants, must undertake the event in accordance with the Council’s Zero Waste Events Guide, including the submission of a completed ‘Zero Waste Event Form’.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the ability to minimise and manage waste from the event.</p>																																																
<b>35.5.3</b>	<p><b>Sanitation</b></p> <p>All temporary events with an anticipated attendance of up to 500 must provide a minimum number of toilet facilities in accordance with the below table, or have ready access to the same number of publicly-accessible toilets within a 150m walk from the event.</p> <table border="1" data-bbox="504 798 1534 1045"> <thead> <tr> <th>People Attending</th> <th colspan="7">Duration of Event (hours)</th> </tr> <tr> <th></th> <th>1-2</th> <th>3</th> <th>4</th> <th>5</th> <th>6</th> <th>7</th> <th>8+</th> </tr> </thead> <tbody> <tr> <td><b>1-50</b></td> <td>1</td> <td>1</td> <td>1</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> </tr> <tr> <td><b>51-100</b></td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> <td>3</td> <td>3</td> <td>3</td> </tr> <tr> <td><b>101-250</b></td> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>4</td> <td>4</td> <td>6</td> </tr> <tr> <td><b>251-500</b></td> <td>4</td> <td>4</td> <td>4</td> <td>6</td> <td>6</td> <td>6</td> <td>8</td> </tr> </tbody> </table> <p>Advice Note</p> <p>Weather conditions, the amount of food and beverages consumed, and the availability of alcohol can increase toilet usage by 30% - 40%.</p>	People Attending	Duration of Event (hours)								1-2	3	4	5	6	7	8+	<b>1-50</b>	1	1	1	2	2	2	2	<b>51-100</b>	2	2	2	2	3	3	3	<b>101-250</b>	3	3	3	3	4	4	6	<b>251-500</b>	4	4	4	6	6	6	8	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the ability to provide adequate sanitation facilities for the event.</p>
People Attending	Duration of Event (hours)																																																	
	1-2	3	4	5	6	7	8+																																											
<b>1-50</b>	1	1	1	2	2	2	2																																											
<b>51-100</b>	2	2	2	2	3	3	3																																											
<b>101-250</b>	3	3	3	3	4	4	6																																											
<b>251-500</b>	4	4	4	6	6	6	8																																											

## 35.6

# Rules - Non-Notification of Applications

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

**35.6.1.1** Temporary filming.



**Appendix 3: Chapter 36 as Recommended**

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# 36 NOISE

## 36.1

# Purpose

The purpose of this chapter is to manage the effects of noise in the District. Noise is part of the environment. While almost all activities give rise to some degree of noise, noise can cause adverse effects on amenity values and the health and wellbeing of people and communities. Adverse effects may arise where the location, character, frequency, duration, or timing of noise is inconsistent or incompatible with anticipated or reasonable noise levels.

The Resource Management Act 1991 (RMA) requires every occupier of land and every person carrying out an activity to adopt the best practicable option to ensure noise does not exceed a reasonable level. The RMA also defines noise to include vibration. “Reasonable” noise levels are determined by the standard of amenity and ambient noise level of the receiving environment and the Council provides direction on this through the prescription of noise limits for each Zone. Noise is also managed by the Council through the use of relevant New Zealand Standards for noise. Land use and development activities, including activities on the surface of lakes and rivers, should be managed in a manner that avoids, remedies or mitigates the adverse effects of noise to a reasonable level.

In most situations, activities should consider the control of noise at the source and the mitigation of adverse effects of noise on the receiving environment. However, the onus on the reduction of effects of noise should not always fall on the noise generating activity. In some cases it may be appropriate for the noise receiver to avoid or mitigate the effects from an existing noise generating activity, particularly where the noise receiver is a noise sensitive activity.

Overflying aircraft have the potential to adversely affect amenity values. The Council controls noise emissions from airports, including take-offs and landings, via provisions in this District Plan, and Designation conditions. However, this is different from controlling noise from aircraft that are in flight. The RMA which empowers territorial authorities to regulate activities on land and water affecting amenity values, does not enable the authorities to control noise from overflying aircraft. Noise from overflying aircraft is controlled under section 29B of the Civil Aviation Act 1990.

With the exception of ventilation requirements for the Queenstown and Wanaka town centres contained in Rule 36.7, and noise from water and motor-related noise from commercial motorised craft within the Queenstown Town Centre Waterfront Sub-Zone (which is subject to Rule 36.5.13) noise received within town centres is not addressed in this chapter, but rather in the Queenstown, Wanaka and Arrowtown Town Centre Zone chapters. This is due to the town centre-specific complexities of noise in those zones, and its fundamental nature as an issue that inter-relates with all other issues in those zones. Noise generated in the town centres but received outside of the town centres is managed under this chapter, except that noise from music, voice and loudspeakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Sub-Zone), need not meet the noise limits set by this chapter.

## 36.2

# Objectives and Policies

### 36.2.1 **Objective - The adverse effects of noise emissions are controlled to a reasonable level to manage the potential for conflict arising from adverse noise effects between land use activities.**

Policies **36.2.1.1** Avoid, remedy or mitigate adverse effects of unreasonable noise from land use and development.

**36.2.1.2** Avoid, remedy or mitigate adverse noise reverse sensitivity effects.

**36.3.1 District Wide**

Attention is drawn to the following District Wide Chapters.

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

**36.3.2 Interpreting and Applying the Rules**

- 36.3.2.1** Any activity that is not Permitted requires resource consent. Any activity that does not specify an activity status for non-compliance but breaches a standard, requires resource consent as a Non-complying activity.
- 36.3.2.2** Sound levels shall be measured and assessed in accordance with NZS **6801:2008** Acoustics - Measurement of Environmental Sound and NZS **6802:2008** Acoustics - Environmental Noise, except where another Standard has been referenced in these rules, in which case that Standard should apply.
- 36.3.2.3** Any activities which are Permitted, Controlled or Restricted Discretionary in any section of the District Plan must comply with the noise standards in Tables 2, 3, 4 and 5 below, where that standard is relevant to that activity.
- 36.3.2.4** In addition to the above, the noise from the activities listed in Table 1 shall be Permitted activities in all zones (unless otherwise stated). For the avoidance of doubt, the activities in Table 1 are exempt from complying with the noise standards set out in Table 2.
- 36.3.2.5** Notwithstanding compliance with Rules 36.5.13 (Helicopters) and 36.5.14 (Fixed Wing Aircraft) in Table 3, informal airports shall also be subject to the rules in the chapters relating to the zones in which the activity is located.
- 36.3.2.6** Sound from non-residential activities, visitor accommodation activities and sound from stationary electrical and mechanical equipment must not exceed the noise limits in Table 2 in each of the zones in which sound from an activity is received. The noise limits in Table 2 do not apply to assessment locations within the same site as the activity.
- 36.3.2.7** The noise limits contained in Table 2 do not apply to sound from aircraft operations at Queenstown Airport or Wanaka Airport.

**36.3.2.8** Noise standards for noise received in the Queenstown, Wanaka and Arrowtown Town Centre, Local Shopping and Business Mixed Use zones are not included in this chapter. Please refer to Chapters 12, 13, 14, 15 and 16. The noise standards in this chapter still apply for noise generated within these zones but received in other zones, except that noise from music, voices, and loud speakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Sub-Zone) need not meet the noise limits set by this chapter.

**36.3.2.9** The standards in Table 3 are specific to the activities listed in each row and are exempt from complying with the noise standards set out in Table 2.

**32.3.2.10** The following abbreviations are used in the tables:

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

## 36.4 Rules - Activities

**Table 1 - Permitted Activities**

Rule Number	Permitted Activities	Activity Status
<b>36.4.1</b>	Sound from vehicles on public roads or trains on railway lines (including at railway yards, railway sidings or stations).	P
<b>36.4.2</b>	Any warning device that is activated in the event of intrusion, danger, an emergency or for safety purposes, provided that vehicle reversing alarms are a broadband directional type.	P
<b>36.4.3</b>	Sound arising from fire stations (including rural fire stations), fire service appliance sirens and call-out sirens for volunteer brigades.	P
<b>36.4.4</b>	Sound from temporary military training activities.	P
<b>36.4.5</b>	In the Rural Zone and the Gibbston Character Zone, sound from farming and forestry activities, and bird scaring devices, other than sound from stationary motors and stationary equipment.	P
<b>36.4.6</b>	Sound from telecommunications cabinets in road reserve.	P
<b>36.4.7</b>	<p>Sound from emergency and backup electrical generators:</p> <ul style="list-style-type: none"> <li>a. operating for emergency purposes or;</li> <li>b. operating for testing and maintenance for less than 60 minutes each month during a weekday between 0900 and 1700.</li> </ul> <p>For the purpose of this rule backup generators are generators only used when there are unscheduled outages of the network (other than routine testing or maintenance provided for in (b) above).</p>	P

# 36.5

# Rules - Standards

**Table 2 - General Standards**

Rule Number	General Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
<b>36.5.1</b>	Rural Zone (Note: refer 36.5.14 for noise received in the Rural Zone from the Airport Zone - Queenstown).  Gibbston Character Zone  Airport Zone - Wanaka	Any point within the notional boundary of a residential unit.	0800h to 2000h	50 dB L <sub>Aeq(15 min)</sub>	NC
			2000h to 0800h	40 dB L <sub>Aeq(15 min)</sub> 75 dB L <sub>AFmax</sub>	NC
<b>36.5.2</b>	Low, Medium, and High Density and Large Lot Residential Zones (Note: refer 36.5.14 for noise received in the Residential Zones from the Airport Zone - Queenstown).  Arrowtown Residential Historic Management Zone  Rural Residential Zone  Rural Lifestyle Zone  Waterfall Park Zone  Millbrook Resort Zone - Residential Activity Areas only  Jacks Point Zone- Residential Activity Areas only	Any point within any site.	0800h to 2000h	50 dB L <sub>Aeq(15 min)</sub>	NC
			2000h to 0800h	40 dB L <sub>Aeq(15 min)</sub> 75 dB L <sub>AFmax</sub>	NC
<b>36.5.3</b>	Airport Zone - Queenstown	At any point within the zone.	Any time	No limit	P
<b>36.5.4</b>	Jacks Point Zone - Village Activity Area only	Any point within any site.	0800h to 2200h	60 dB L <sub>Aeq(15 min)</sub>	NC
			2200h to 0800h	50 dB L <sub>Aeq(15 min)</sub> 75 dB L <sub>AFmax</sub>	NC

**Table 3 - Specific Standards**

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
<b>36.5.5</b>	<p><b>Certain Telecommunications Activities in Road Reserve</b></p> <p>The Resource Management (National Environmental Standards for Telecommunications Facilities “NESTF”) Regulations 2008 provide for noise from telecommunications equipment cabinets located in the road reserve as a permitted activity, subject to the specified noise limits.</p> <p>The noise from the cabinet must be measured in accordance with NZS 6801: 2008 Acoustics – Measurement of environmental sound, the measurement must be adjusted in accordance with NZS 6801: 2008 Acoustics – Measurement of environmental sound to a free field incident sound level, and the adjusted measurement must be assessed in accordance with NZS 6802: 2008 Acoustics – Environmental noise.</p>	<p><b>36.5.5.1</b> Where a cabinet located in a road reserve in an area in which allows residential activities, the noise from the cabinet must be measured and assessed at 1 of the following points:</p> <ul style="list-style-type: none"> <li>a. if the side of a building containing a habitable room is within 4 m of the closest boundary of the road reserve, the noise must be measured:                             <ul style="list-style-type: none"> <li>i. at a point 1 m from the side of the building; or</li> <li>ii. at a point in the plane of the side of the building;</li> </ul> </li> <li>b. in any other case, the noise must be measured at a point that is:                             <ul style="list-style-type: none"> <li>i. at least 3 m from the cabinet; and</li> <li>ii. within the legal boundary of land next to the part of the road reserve where the cabinet is located.</li> </ul> </li> </ul>	0700h to 2200h	50 dB $L_{Aeq(5 min)}$	Refer NESTF
			2200h to 0700h	40 dB $L_{Aeq(5 min)}$	
			2200h to 0700h	65 dB $L_{AFmax}$	
		Any time	60 dB $L_{Aeq(5 min)}$		
		<p><b>36.5.5.2</b> Where a cabinet is located in a road reserve in an area in which does not allow residential activities, the noise from the cabinet must be measured and assessed at 1 of the following points:</p> <ul style="list-style-type: none"> <li>a. if the side of a building containing a habitable room is within 4 m of the closest boundary of the road reserve, the noise must be measured:                             <ul style="list-style-type: none"> <li>i. at a point 1 m from the side of the building; or</li> <li>ii. at a point in the plane of the side of the building;</li> </ul> </li> <li>b. in any other case, the noise must be measured at a point that is:                             <ul style="list-style-type: none"> <li>i. at least 3 m from the cabinet; and</li> <li>ii. within the legal boundary of land next to the part of the road reserve where the cabinet is located.</li> </ul> </li> </ul>	2200h to 0700h	65 dB $L_{AFmax}$	

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
<b>36.5.6</b>	<p><b>Wind Turbines</b></p> <p>Wind farm sound must be measured and assessed in accordance with NZS 6808:2010 Acoustics - Wind Farm Noise</p>	At any point within the notional boundary of any residential unit.	Any time	40 dB $L_{A90(10 \text{ min})}$ or the background sound level $L_{A90(10 \text{ min})}$ plus 5 dB, whichever is higher	NC
<b>36.5.7</b>	<p><b>Audible Bird Scaring Devices</b></p> <p>The operation of audible devices (including gas guns, audible avian distress alarms and firearms for the purpose of bird scaring, and excluding noise arising from fire stations).</p> <p>In relation to gas guns, audible avian distress alarms and firearms no more than 15 audible events shall occur per device in any 60 minute period.</p> <p>Each audible event shall not exceed three sound emissions from any single device within a 1 minute period and no such events are permitted during the period between sunset and sunrise the following day.</p> <p>The number of devices shall not exceed one device per 4 hectares of land in any single land holding, except that in the case of a single land holding less than 4 hectares in area, one device shall be permitted.</p>	<p><b>36.5.7.1</b> At any point within a Residential Zone or the notional boundary of any residential unit, other than on the property in which the device is located.</p>	Hours of daylight but not earlier than 0600h	65 dB $L_{AE}$ shall apply to any one event	NC
		<p><b>36.5.7.2</b> In any public place.</p>	At any time	90 dB $L_{AE}$ is received from any one noise event	
<b>36.5.8</b>	<p><b>Frost fans</b></p> <p>Sound from frost fans.</p>	At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.	At any time	55 dB $L_{A_{\text{aeg}}(15 \text{ min})}$	NC



Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
<b>36.5.9</b>	<p><b>Vibration</b></p> <p>Vibration from any activity shall not exceed the guideline values given in DIN 4150-3:1999 Effects of vibration on structures at any buildings on any other site.</p>	On any structures or buildings on any other site.	Refer to relevant standard	Refer to relevant standard	NC
<b>36.5.10</b>	<p><b>Helicopters</b></p> <p>Sound from any helicopter landing area must be measured and assessed in accordance with NZ 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.</p> <p>Sound from helicopter landing areas must comply with the limits of acceptability set out in Table 1 of NZS 6807.</p> <p>In assessing noise from helicopters using NZS 6807: 1994 any individual helicopter flight movement, including continuous idling occurring between an arrival and departure, shall be measured and assessed so that the sound energy that is actually received from that movement is conveyed in the Sound Exposure Level (SEL) for the movement when calculated in accordance with NZS 6801: 2008.</p> <p>For the avoidance of doubt this rule does not apply to Queenstown Airport and Wanaka Airport.</p> <p>Advice Note: See additional rules in Rural Zone Chapter at 21.10.1 and 21.10.2.</p>	<p>At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.</p> <p><i>*Note: The applicable noise limit in this rule and in rule 36.5.11 below for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.</i></p>	At all times	50 dB L <sub>dn</sub>	NC
<b>36.5.11</b>	<p><b>Fixed Wing Aircraft</b></p> <p>Sound from airports/landing strips for fixed wing aircraft must be measured and assessed in accordance with NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>For the avoidance of doubt this rule does not apply to Queenstown and Wanaka Airports.</p> <p>Advice Note: See additional rules in Rural Zone Chapter at 21.10.1 and 21.10.2.</p>	<p>At any point within the notional boundary of any residential unit and at any point within a residential site other than residential units on the same site as the activity.</p> <p><i>*Note: The applicable noise limit in this rule and in rule 36.5.10 above for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.</i></p>	At all times	55 dB L <sub>dn</sub>	NC

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
<b>36.5.12</b>	<p><b>Construction Noise</b></p> <p>Construction sound must be measured and assessed in accordance with NZS 6803:1999 Acoustics - Construction Noise. Construction sound must comply with the recommended upper limits in Tables 2 and 3 of NZS 6803. Construction sound must be managed in accordance with NZS 6803.</p>	At any point within any other site.	Refer to relevant standard	Refer to relevant standard	D
<b>36.5.13</b>	<p><b>Commercial Motorised Craft</b></p> <p>Sound from motorised craft must be measured and assessed in accordance with ISO 2922:2000 and ISO 14509-1:2008.</p>	25 metres from the craft.	0800 to 2000h  2000h to 0800h	77 dB L <sub>ASmax</sub>  67 dB L <sub>ASmax</sub>	NC
<b>36.5.14</b>	Sound from the Airport Zone - Queenstown received in the Residential Zones, and the Rural Zone, excluding sound from aircraft operations that are subject to the Queenstown Airport Designation No.2.	At any point within the Residential Zone and at any point within the notional boundary in the Rural Zone.	0700h to 2200h  2200h to 0700h	55 dB <sub>Aeq(15 min)</sub>  45 dB <sub>Aeq(15 min)</sub> 70 dB <sub>AFmax</sub>	RD  Discretion is restricted to the extent of effects of noise generated on adjoining zones.

## 36.6

## Airport Noise

### 36.6.1 Sound Insulation Requirements for the Queenstown and Wanaka Airport - Acceptable Construction Materials (Table 4).

The following table sets out the construction materials required to achieve appropriate sound insulation within the airport Air Noise Boundary (ANB) as shown on the planning maps.

**Table 4**

Building Element	Minimum Construction	
External Walls	Exterior Lining	Brick or concrete block or concrete, or 20mm timber or 6mm fibre cement
	Insulation	Not required for acoustical purposes
	Frame	One layer of 9mm gypsum or plasterboard (or an equivalent combination of exterior and interior wall mass)
Windows/Glazed Doors	Double-glazing with 4 mm thick panes separated by a cavity at least 12 mm wide	
Pitched Roof	Cladding	0.5mm profiled steel or masonry tiles or 6mm corrugated fibre cement
	Insulation	100mm thermal insulation blanket/batts
	Ceiling	1 layer 9mm gypsum or plaster board
Skillion Roof	Cladding	0.5mm profiled steel or 6mm fibre cement
	Sarking	None Required
	Insulation	100mm thermal insulation blanket/batts
	Ceiling	1 layer 1mm gypsum or plasterboard
External Door	Solid core door (min 24kg/m <sup>2</sup> ) with weather seals	

Note: The specified construction materials in this table are the minimum required to meet the Indoor Design Sound Level. Alternatives with greater mass or larger thicknesses of insulation will be acceptable. Any additional construction requirements to meet other applicable standards not covered by this rule (eg fire, Building Code etc) would also need to be implemented.

### 36.6.2 Ventilation Requirements for the Queenstown and Wanaka Airport

The following applies to the ventilation requirements within the airport Outer Control Boundary (OCB) and Air Noise Boundary (ANB).

Critical Listening Environments must have a ventilation and cooling system(s) designed, constructed and maintained to achieve the following:

- a. an outdoor air ventilation system. The ventilation rate must be able to be controlled by the occupant in increments as follows:
  - i. a low air flow setting that provides air at a rate of between 0.35 and 0.5 air changes per hour. The sound of the system on this setting must not exceed 30dB LAeg(30s) when measured 2m away from any grille or diffuser;
  - ii. a high air flow setting that provides at least 5 air changes per hour. The sound of the system on this setting must not exceed 35 dB LAeg(30s) when measured 2m away from any grille or diffuser.

- b. the system must provide, either by outdoor air alone, combined outdoor air and heating/cooling system or by direct room heating / cooling:
  - i. cooling that is controllable by the occupant and can maintain the temperature within the Critical Listening Environment at no greater than 25°C; and
  - ii. heating that is controllable by the occupant and can maintain the temperature within the Critical Listening Environment at no less than 18°C ;and
  - iii. the sound of the system when in heating or cooling mode must not exceed 35 dB LAeg(30s) when measured 2m away from any grille or diffuser.
- c. a relief air path must be provided to ensure the pressure difference between the Critical Listening Environments and outside is never greater than 30Pa;
- d. if cooling is provided by a heat pump then the requirements of (a)(ii) and (c) do not apply.

Note: Where there is an existing ventilation, heating and/or cooling system, and/or relief air path within a Critical Listening Environment that meets the criteria stated in the rule, the existing system may be utilised to demonstrate compliance with the rule.

## 36.7 Ventilation Requirements for other Zones (Table 5)

The following table (Table 5) sets out the ventilation requirements in the Wanaka and Queenstown Town Centre Zones, the Local Shopping Centre Zone and the Business Mixed Use Zone.

**Table 5**

Room Type	Outdoor Air Ventilation Rate (Air Changes Room Type per Hour, ac/hr)	
	Low Setting	High Setting
Bedrooms	1-2 ac/hr	Min. 5 ac/hr
Other Critical Listening Environments	1-2 ac/hr	Min. 15 ac/hr
Noise from ventilation systems shall not exceed 35 dB LAeq(1 min), on High Setting and 30 dB LAeq(1 min), on Low Setting. Noise levels shall be measured at a distance of to 2 m from any diffuser.		
Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.		
Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 °C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.		
If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.		

## Appendix 4: Recommendations on Submissions and Further Submissions

### Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
19.15	Kain Fround	Accept in part	2.1
19.18	Kain Fround	Accept in part	13.2
20.1	Aaron Cowie	Reject	5.4
21.61	Alison Walsh	Accept in part	12.2
52.1	Graeme Lester	Accept	17.1
72.6	Kelvin Peninsula Community Association	Accept	5.3
80.1	David Jerram	Accept in part	17.10
80.2	David Jerram	Accept in part	17.10
115.6	Florence Micoud	Reject	Part B
115.9	Florence Micoud	Reject	13.2
117.11	Maggie Lawton	Reject	3
126.4	Hunter Leece / Anne Kobienia	Reject	3.4
126.5	Hunter Leece / Anne Kobienia	Accept in part	5.3
126.9	Hunter Leece / Anne Kobienia	Accept in part	5.4
143.2	Richard Bowman	Accept	17.7
159.8	Karen Boulay	Reject	13.2
165.1	Maggie Lawton	Reject	2.1
179.15	Vodafone NZ	Accept	2.1
179.16	Vodafone NZ	Accept in part	3.5
179.17	Vodafone NZ	Accept	3.5
179.18	Vodafone NZ	Accept	3.5
179.19	Vodafone NZ	Accept in part	3.6
179.20	Vodafone NZ	Accept in part	3.6
179.21	Vodafone NZ	Accept	3.6
179.22	Vodafone NZ	Accept in part	3.6
179.23	Vodafone NZ	Accept in part	3.7
179.24	Vodafone NZ	Accept in part	3.7
179.25	Vodafone NZ	Reject	3.7
179.26	Vodafone NZ	Accept	3.7
179.27	Vodafone NZ	Accept	4.2
179.28	Vodafone NZ	Accept in part	5
179.29	Vodafone NZ	Reject	5.24
179.30	Vodafone NZ	Reject	5.25
179.31	Vodafone NZ	Accept	5.26
191.13	Spark Trading NZ Limited	Accept	2.1
191.14	Spark Trading NZ Limited	Accept in part	3.5
191.15	Spark Trading NZ Limited	Accept	3.5
191.16	Spark Trading NZ Limited	Accept	3.5
191.17	Spark Trading NZ Limited	Accept in part	3.6
191.18	Spark Trading NZ Limited	Accept in part	3.6
191.19	Spark Trading NZ Limited	Accept	3.6

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
191.20	Spark Trading NZ Limited	Accept in part	3.6
191.21	Spark Trading NZ Limited	Accept in part	3.7
191.22	Spark Trading NZ Limited	Accept in part	3.7
191.23	Spark Trading NZ Limited	Reject	3.7
191.24	Spark Trading NZ Limited	Accept	3.7
191.25	Spark Trading NZ Limited	Accept	4.2
191.26	Spark Trading NZ Limited	Accept in part	5
191.27	Spark Trading NZ Limited	Reject	5.24
191.28	Spark Trading NZ Limited	Reject	5.25
191.29	Spark Trading NZ Limited	Accept	5.26
197.28	Jeffrey Hylton	Accept in part	14
230.6	Loris King	Reject	2.3
238.11	NZIA Southern and Architecture + Women Southern	Reject	2.3
238.117	NZIA Southern and Architecture + Women Southern	Accept	2.3
238.118	NZIA Southern and Architecture + Women Southern	Reject	2.3
238.119	NZIA Southern and Architecture + Women Southern	Reject	3.8
243.20	Christine Byrch	Reject	17.7
243.45	Christine Byrch	Accept in part	12.3
243.46	Christine Byrch	Reject	12.4
251.11	PowerNet Limited	Reject	2.3
251.12	PowerNet Limited	Reject	3.5
251.13	PowerNet Limited	Accept in part	3.6
251.14	PowerNet Limited	Accept in part	3.6
251.15	PowerNet Limited	Reject	3.6
251.16	PowerNet Limited	Accept in part	3.6
251.17	PowerNet Limited	Accept in part	3.7
251.18	PowerNet Limited	Reject	3.7
251.19	PowerNet Limited	Accept	3.7
251.20	PowerNet Limited	Accept	3.7
251.21	PowerNet Limited	Accept in part	5.13
251.22	PowerNet Limited	Accept	5.14
251.23	PowerNet Limited	Accept in part	5.17
251.24	PowerNet Limited	Accept in part	5.17
251.25	PowerNet Limited	Accept in part	5.20
251.26	PowerNet Limited	Accept	5.20
251.27	PowerNet Limited	Accept	5.21
251.28	PowerNet Limited	Reject	5.23
251.29	PowerNet Limited	Accept in part	5.24
251.30	PowerNet Limited	Accept	5.25
251.31	PowerNet Limited	Reject	5.26
263.1	Angela Martin	Reject	5.3
290.2	Christine Ryan	Accept in part	3.4
292.7	John Walker	Reject	3.7
292.8	John Walker	Reject	3.7

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
310.7	Jon Waterston	Accept in part	17.10
368.10	Anna-Marie Chin Architects and Phil Vautier	Reject	5.10
368.11	Anna-Marie Chin Architects and Phil Vautier	Reject	5.11
368.12	Anna-Marie Chin Architects and Phil Vautier	Reject	5.25
368.17	Anna-Marie Chin Architects and Phil Vautier	Reject	5.23
368.7	Anna-Marie Chin Architects and Phil Vautier	Accept	5.4
368.8	Anna-Marie Chin Architects and Phil Vautier	Accept in part	5.20
368.9	Anna-Marie Chin Architects and Phil Vautier	Reject	5.3
373.16	Department of Conservation	Accept	3.3
373.17	Department of Conservation	Accept in part	3.3
383.59	Queenstown Lakes District Council	Reject	2.3
383.60	Queenstown Lakes District Council	Accept in part	3.6
383.61	Queenstown Lakes District Council	Accept	5
383.62	Queenstown Lakes District Council	Accept	5.18
383.63	Queenstown Lakes District Council	Accept	5
383.64	Queenstown Lakes District Council	Accept	5
383.65	Queenstown Lakes District Council	Accept	5.26
383.66	Queenstown Lakes District Council	Reject	5.3
383.67	Queenstown Lakes District Council	Reject	5.15
383.68	Queenstown Lakes District Council	Accept in part	5.28
383.72	Queenstown Lakes District Council	Accept in part	17.10
391.20	Sean & Jane McLeod	Reject	17.1
421.12	Two Degrees Mobile Limited	Accept in part	2.1
421.13	Two Degrees Mobile Limited	Accept in part	3.5
421.14	Two Degrees Mobile Limited	Accept in part	3.6
421.15	Two Degrees Mobile Limited	Reject	3.6
421.16	Two Degrees Mobile Limited	Accept	3.6
421.17	Two Degrees Mobile Limited	Accept in part	3.6
421.18	Two Degrees Mobile Limited	Accept in part	3.7
421.19	Two Degrees Mobile Limited	Accept	4.2
421.20	Two Degrees Mobile Limited	Accept in part	5
421.21	Two Degrees Mobile Limited	Reject	5.24
421.22	Two Degrees Mobile Limited	Reject	5.25
421.23	Two Degrees Mobile Limited	Accept	5.26
424.1	David Pickard	Accept in part	2.1
424.2	David Pickard	Accept	2.1
433.110	Queenstown Airport Corporation	Accept in part	13.3
433.111	Queenstown Airport Corporation	Accept	15.2
433.112	Queenstown Airport Corporation	Accept	16.1
433.113	Queenstown Airport Corporation	Accept in part	17.2
433.114	Queenstown Airport Corporation	Accept	17.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
433.115	Queenstown Airport Corporation	Accept	17.7
433.116	Queenstown Airport Corporation	Accept	17.8
433.117	Queenstown Airport Corporation	Accept	17.10
433.118	Queenstown Airport Corporation	Accept in part	17.10
433.33	Queenstown Airport Corporation	Reject	12.3
438.41	New Zealand Fire Service	Accept	16.1
475.1	Arthurs Point Protection Society	Reject	17.7
475.2	Arthurs Point Protection Society	Reject	17.7
496.4	House Movers Section of New Zealand Heavy Haulage Association (Inc)	Accept in part	12.2
510.8	Wayne L Blair	Reject	5.3
511.8	Helen Blair	Reject	5.3
519.61	New Zealand Tungsten Mining Limited	Reject	3.7
519.7	New Zealand Tungsten Mining Limited	Reject	12.3
571.4	Totally Tourism Limited	Accept in part	17.7
574.3	Skyline Enterprises Limited	Reject	17.7
580.10	Contact Energy Limited	Accept in part	5.17
580.13	Contact Energy Limited	Accept	17.5
580.7	Contact Energy Limited	Accept	3.3
580.8	Contact Energy Limited	Reject	5.5
580.9	Contact Energy Limited	Accept	5.6
600.108	Federated Farmers of New Zealand	Accept in part	3.6
600.109	Federated Farmers of New Zealand	Reject	3.6
600.110	Federated Farmers of New Zealand	Reject	3.6
600.111	Federated Farmers of New Zealand	Accept	4.2
600.112	Federated Farmers of New Zealand	Accept in part	5.15
600.113	Federated Farmers of New Zealand	Accept in part	5.15
607.38	Te Anau Developments Limited	Reject	2.1
607.39	Te Anau Developments Limited	Accept in part	5.21
607.40	Te Anau Developments Limited	Accept in part	5.18
607.41	Te Anau Developments Limited	Reject	5.18
607.44	Te Anau Developments Limited	Reject	12.3
607.57	Te Anau Developments Limited	Reject	16.1
607.58	Te Anau Developments Limited	Reject	17.7
607.59	Te Anau Developments Limited	Reject	17.8
615.36	Cardrona Alpine Resort Limited	Reject	2.1
615.37	Cardrona Alpine Resort Limited	Accept in part	5.21
615.38	Cardrona Alpine Resort Limited	Accept in part	5.18
615.39	Cardrona Alpine Resort Limited	Reject	5.18
615.42	Cardrona Alpine Resort Limited	Reject	12.3
621.113	Real Journeys Limited	Reject	12.3
621.126	Real Journeys Limited	Reject	17.9
621.128	Real Journeys Limited	Reject	17.8
621.129	Real Journeys Limited	Accept in part	17.9



Submission Number	Submitter	Commissioners' Recommendation	Report Reference
632.68	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in part	17.3
635.47	Aurora Energy Limited	Accept	2.3
635.48	Aurora Energy Limited	Accept	3.3
635.49	Aurora Energy Limited	Reject	3.5
635.50	Aurora Energy Limited	Accept in part	3.6
635.51	Aurora Energy Limited	Reject	3.6
635.52	Aurora Energy Limited	Accept in part	3.6
635.53	Aurora Energy Limited	Accept in part	3.7
635.54	Aurora Energy Limited	Reject	3.7
635.55	Aurora Energy Limited	Reject	3.7
635.56	Aurora Energy Limited	Reject	3.7
635.57	Aurora Energy Limited	Accept	3.7
635.58	Aurora Energy Limited	Accept	4.2
635.59	Aurora Energy Limited	Reject	5.7
635.60	Aurora Energy Limited	Accept in part	5.14
635.61	Aurora Energy Limited	Reject	2.2
635.62	Aurora Energy Limited	Accept in part	5.17
635.63	Aurora Energy Limited	Accept in part	5.17
635.64	Aurora Energy Limited	Accept	5.20
635.65	Aurora Energy Limited	Reject	5.20
635.66	Aurora Energy Limited	Accept in part	5.23
635.67	Aurora Energy Limited	Accept	5.25
635.68	Aurora Energy Limited	Reject	5.15
635.69	Aurora Energy Limited	Accept in part	5.15
635.70	Aurora Energy Limited	Reject	2.2
635.71	Aurora Energy Limited	Reject	2.2
635.8	Aurora Energy Limited	Accept in part	12.3
635.80	Aurora Energy Limited	Accept in part	15.2
635.81	Aurora Energy Limited	Accept in part	16.1
649.10	Southern District Health Board	Accept in part	17.1
649.11	Southern District Health Board	Accept	17.5
649.12	Southern District Health Board	Accept in part	17.10
649.13	Southern District Health Board	Accept in part	17.9
649.4	Southern District Health Board	Accept in part	13.3
649.5	Southern District Health Board	Accept in part	13.3
649.6	Southern District Health Board	Accept in part	13.3
649.7	Southern District Health Board	Accept in part	14.1
649.8	Southern District Health Board	Accept	15.2
649.9	Southern District Health Board	Accept	16.1
660.6	Andrew Fairfax	Reject	17.7
662.6	I and P Macauley	Reject	17.7
708.1	NZ Fire Service	Accept	16.1
713.3	Heli Tours Limited	Reject	17.7
714.15	Kopuwait Investments Limited	Accept in part	13.3
717.19	The Jandel Trust	Accept in part	14.1
717.20	The Jandel Trust	Reject	14.1
717.21	The Jandel Trust	Reject	15.2

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
719.147	NZ Transport Agency	Accept in part	2.3
719.148	NZ Transport Agency	Reject	3.4
719.149	NZ Transport Agency	Reject	3.4
719.150	NZ Transport Agency	Accept in part	3.6
719.154	NZ Transport Agency	Accept in part	14.1
719.155	NZ Transport Agency	Accept	14.1
719.156	NZ Transport Agency	Accept	16.1
719.170	NZ Transport Agency	Accept in part	3.7
746.7	Bunnings Limited	Accept	17.1
752.11	Michael Farrier	Reject	5.4
758.12	Jet Boating New Zealand	Reject	17.9
762.8	Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	Reject	17.3
762.9	Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	Accept in part	17.3
781.14	Chorus New Zealand Limited	Accept	2.1
781.15	Chorus New Zealand Limited	Accept in part	3.5
781.16	Chorus New Zealand Limited	Accept	3.5
781.17	Chorus New Zealand Limited	Accept	3.5
781.18	Chorus New Zealand Limited	Accept in part	3.6
781.19	Chorus New Zealand Limited	Accept in part	3.6
781.20	Chorus New Zealand Limited	Accept	3.6
781.21	Chorus New Zealand Limited	Accept in part	3.6
781.22	Chorus New Zealand Limited	Accept in part	3.7
781.23	Chorus New Zealand Limited	Reject	3.7
781.24	Chorus New Zealand Limited	Accept	3.7
781.25	Chorus New Zealand Limited	Accept	4.2
781.26	Chorus New Zealand Limited	Accept in part	5
781.27	Chorus New Zealand Limited	Reject	5.24
781.28	Chorus New Zealand Limited	Reject	5.25
781.29	Chorus New Zealand Limited	Accept	5.26
792.24	Patricia Swale	Reject	5.3
792.25	Patricia Swale	Reject	5.3
792.26	Patricia Swale	Reject	5.3
792.27	Patricia Swale	Reject	5.3
805.69	Transpower New Zealand Limited	Reject	2.3
805.70	Transpower New Zealand Limited	Reject	2.3
805.71	Transpower New Zealand Limited	Accept in part	3.8
805.72	Transpower New Zealand Limited	Reject	3.5
805.73	Transpower New Zealand Limited	Reject	3.5

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
805.74	Transpower New Zealand Limited	Accept in part	3.6
805.75	Transpower New Zealand Limited	Accept in part	3.6
805.76	Transpower New Zealand Limited	Accept	3.6
805.77	Transpower New Zealand Limited	Accept	3.6
805.78	Transpower New Zealand Limited	Accept in part	3.6
805.79	Transpower New Zealand Limited	Reject	3.6
805.80	Transpower New Zealand Limited	Reject	3.7
805.81	Transpower New Zealand Limited	Accept in part	3.7
805.82	Transpower New Zealand Limited	Reject	3.7
805.83	Transpower New Zealand Limited	Reject	3.7
805.84	Transpower New Zealand Limited	Accept	4.2
805.85	Transpower New Zealand Limited	Accept in part	4.2
805.86	Transpower New Zealand Limited	Accept	4.2
805.87	Transpower New Zealand Limited	Accept in part	4.3
805.88	Transpower New Zealand Limited	Accept	4.3
805.89	Transpower New Zealand Limited	Accept	5.14
805.90	Transpower New Zealand Limited	Accept in part	5.15
805.91	Transpower New Zealand Limited	Accept in part	5.15
805.92	Transpower New Zealand Limited	Accept in part	5.17
805.93	Transpower New Zealand Limited	Accept in part	5.15
805.94	Transpower New Zealand Limited	Accept in part	5.16
806.204	Queenstown Park Limited	Reject	3.4
806.205	Queenstown Park Limited	Accept in part	5.21
806.226	Queenstown Park Limited	Reject	3.7
817.6	Te Ao Marama Inc	Accept in part	2.1
847.18	FII Holdings Limited	Accept in part	14.1
847.19	FII Holdings Limited	Reject	14.1
847.20	FII Holdings Limited	Reject	15.2
1365.1	New Zealand Defence Force	Accept in part	12.3
1365.10	New Zealand Defence Force	Accept in part	14.1
1365.11	New Zealand Defence Force	Accept	14.1
1365.12	New Zealand Defence Force	Accept	15.2
1365.13	New Zealand Defence Force	Accept	16.1
1365.8	New Zealand Defence Force	Accept in part	13.3
1365.9	New Zealand Defence Force	Accept in part	14.1
1366.9	Moraine Creek Limited	Accept	17.7

Part B: Further Submissions

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1015.23	373.17	Straterra	Accept in part	3.3
FS1015.43	519.7	Straterra	Reject	12.3
FS1015.97	519.61	Straterra	Reject	3.7
FS1024.1	126.9	Hunter Leece and Anne Kobienia	Accept in part	5.4

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1029.25	717.19	Universal Developments Limited	Accept in part	14.1
FS1029.26	717.20	Universal Developments Limited	Accept	14.1
FS1029.27	717.21	Universal Developments Limited	Accept	15.2
FS1034.108	600.108	Upper Clutha Environmental Society (Inc.)	Accept in part	3.6
FS1034.109	600.109	Upper Clutha Environmental Society (Inc.)	Accept in part	3.6
FS1034.110	600.110	Upper Clutha Environmental Society (Inc.)	Accept	3.6
FS1034.111	600.111	Upper Clutha Environmental Society (Inc.)	Reject	4.2
FS1034.112	600.112	Upper Clutha Environmental Society (Inc.)	Accept in part	5.15
FS1034.113	600.113	Upper Clutha Environmental Society (Inc.)	Accept in part	5.15
FS1040.30	580.8	Forest and Bird	Accept	5.5
FS1040.8	373.16	Forest and Bird	Accept	3.3
FS1063.21	574.3	Peter Fleming and Others	Accept	17.7
FS1077.6	80.1	Board of Airline Representatives of New Zealand (BARNZ)	Reject	17.10
FS1085.16	251.24	Contact Energy Limited	Accept in part	5.17
FS1093.3	143.2	T R Currie	Reject	17.7
FS1097.100	251.17	Queenstown Park Limited	Accept in part	3.7
FS1097.101	251.26	Queenstown Park Limited	Accept	5.20
FS1097.396	433.110	Queenstown Park Limited	Reject	13.3
FS1097.397	433.111	Queenstown Park Limited	Reject	15.2
FS1097.398	433.112	Queenstown Park Limited	Reject	16.1
FS1097.399	433.113	Queenstown Park Limited	Reject	17.2
FS1097.400	433.114	Queenstown Park Limited	Reject	17.4
FS1097.401	433.115	Queenstown Park Limited	Reject	17.7
FS1097.402	433.116	Queenstown Park Limited	Reject	17.8
FS1097.403	433.117	Queenstown Park Limited	Reject	17.10
FS1097.404	433.118	Queenstown Park Limited	Reject	17.10
FS1097.53	179.16	Queenstown Park Limited	Accept in part	3.5
FS1097.54	179.17	Queenstown Park Limited	Reject	3.5
FS1097.55	179.20	Queenstown Park Limited	Reject	3.6
FS1097.56	179.23	Queenstown Park Limited	Accept in part	3.7
FS1097.561	607.38	Queenstown Park Limited	Accept	2.1
FS1097.563	607.57	Queenstown Park Limited	Reject	16.1
FS1097.57	179.24	Queenstown Park Limited	Accept in part	3.7
FS1097.63	191.14	Queenstown Park Limited	Accept in part	3.5
FS1097.64	191.15	Queenstown Park Limited	Reject	3.5
FS1097.65	191.21	Queenstown Park Limited	Accept in part	3.7
FS1097.66	191.22	Queenstown Park Limited	Accept in part	3.7
FS1097.698	719.149	Queenstown Park Limited	Reject	3.4
FS1097.9	20.1	Queenstown Park Limited	Accept	5.4
FS1097.98	251.11	Queenstown Park Limited	Reject	2.3

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.99	251.12	Queenstown Park Limited	Reject	3.5
FS1105.36	615.36	Cardrona Valley Residents and Ratepayers Society Inc	Reject	2.1
FS1105.37	615.37	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	5.21
FS1105.38	615.38	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	5.18
FS1105.39	615.39	Cardrona Valley Residents and Ratepayers Society Inc	Reject	5.18
FS1105.42	615.42	Cardrona Valley Residents and Ratepayers Society Inc	Reject	12.3
FS1106.11	805.93	Chorus New Zealand Limited	Accept in part	5.15
FS1106.2	292.7	Chorus New Zealand Limited	Accept	3.7
FS1106.3	292.8	Chorus New Zealand Limited	Accept	3.7
FS1106.4	383.64	Chorus New Zealand Limited	Reject	5
FS1107.122	238.117	Man Street Properties Ltd	Reject	2.3
FS1107.123	238.118	Man Street Properties Ltd	Accept in part	2.3
FS1107.124	238.119	Man Street Properties Ltd	Accept in part	3.8
FS1107.16	238.11	Man Street Properties Ltd	Accept in part	2.3
FS1117.156	433.110	Remarkables Park Limited	Reject	13.3
FS1117.157	433.111	Remarkables Park Limited	Reject	15.2
FS1117.158	433.112	Remarkables Park Limited	Reject	16.1
FS1117.159	433.113	Remarkables Park Limited	Reject	17.2
FS1117.160	433.114	Remarkables Park Limited	Reject	17.4
FS1117.161	433.115	Remarkables Park Limited	Reject	17.7
FS1117.162	433.116	Remarkables Park Limited	Reject	17.8
FS1117.163	433.117	Remarkables Park Limited	Reject	17.10
FS1117.164	433.118	Remarkables Park Limited	Reject	17.10
FS1117.20	251.26	Remarkables Park Limited	Accept	5.20
FS1121.22	179.16	Aurora Energy Limited	Accept in part	3.5
FS1121.23	191.14	Aurora Energy Limited	Accept in part	3.5
FS1121.24	179.20	Aurora Energy Limited	Accept in part	3.6
FS1121.25	191.18	Aurora Energy Limited	Accept in part	3.6
FS1121.26	600.109	Aurora Energy Limited	Accept in part	3.6
FS1121.27	179.24	Aurora Energy Limited	Accept in part	3.7
FS1121.28	191.22	Aurora Energy Limited	Accept in part	3.7
FS1121.29	20.1	Aurora Energy Limited	Accept	5.4
FS1121.30	251.21	Aurora Energy Limited	Accept in part	5.13
FS1121.31	251.26	Aurora Energy Limited	Accept	5.20
FS1121.32	251.29	Aurora Energy Limited	Accept in part	5.24
FS1121.33	421.21	Aurora Energy Limited	Reject	5.24
FS1121.34	781.27	Aurora Energy Limited	Reject	5.24
FS1121.35	421.22	Aurora Energy Limited	Reject	5.25
FS1121.36	421.23	Aurora Energy Limited	Accept	5.26
FS1121.37	805.86	Aurora Energy Limited	Accept in part	4.2
FS1121.38	805.90	Aurora Energy Limited	Accept in part	5.15
FS1121.39	805.92	Aurora Energy Limited	Accept in part	5.17

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1121.40	805.93	Aurora Energy Limited	Accept in part	5.15
FS1132.12	191.20	Federated Farmers of New Zealand	Accept in part	3.6
FS1132.16	251.11	Federated Farmers of New Zealand	Accept	2.3
FS1132.17	251.15	Federated Farmers of New Zealand	Accept	3.6
FS1132.43	635.51	Federated Farmers of New Zealand	Accept	3.6
FS1132.44	635.61	Federated Farmers of New Zealand	Accept	2.2
FS1132.45	635.70	Federated Farmers of New Zealand	Accept	2.2
FS1132.46	635.71	Federated Farmers of New Zealand	Accept	2.2
FS1132.6	179.20	Federated Farmers of New Zealand	Reject	3.6
FS1132.65	805.69	Federated Farmers of New Zealand	Accept	2.3
FS1132.66	805.77	Federated Farmers of New Zealand	Reject	3.6
FS1132.67	805.78	Federated Farmers of New Zealand	Reject	3.6
FS1132.68	805.79	Federated Farmers of New Zealand	Reject	3.6
FS1132.69	805.91	Federated Farmers of New Zealand	Accept in part	5.15
FS1132.7	179.22	Federated Farmers of New Zealand	Accept in part	3.6
FS1132.70	805.93	Federated Farmers of New Zealand	Accept in part	5.15
FS1137.37	615.36	Kay Curtis	Reject	2.1
FS1137.38	615.37	Kay Curtis	Accept in part	5.21
FS1137.39	615.38	Kay Curtis	Accept in part	5.18
FS1137.40	615.39	Kay Curtis	Reject	5.18
FS1137.43	615.42	Kay Curtis	Reject	12.3
FS1157.48	238.117	Trojan Helmet Ltd	Reject	2.3
FS1157.49	238.118	Trojan Helmet Ltd	Accept in part	2.3
FS1157.50	238.119	Trojan Helmet Ltd	Accept in part	3.8
FS1159.5	805.69	PowerNet Ltd	Reject	2.3
FS1159.6	805.73	PowerNet Ltd	Accept in part	3.5
FS1159.7	600.110	PowerNet Ltd	Accept	3.6
FS1160.24	719.170	Otago Regional Council	Accept in part	3.7
FS1186.1	251.11	Contact Energy Limited	Accept	2.3
FS1186.10	719.150	Contact Energy Limited	Accept in part	3.6
FS1186.11	805.70	Contact Energy Limited	Accept	2.3
FS1186.12	805.72	Contact Energy Limited	Reject	3.5
FS1186.13	805.73	Contact Energy Limited	Reject	3.5
FS1186.14	805.74	Contact Energy Limited	Accept in part	3.6
FS1186.15	805.75	Contact Energy Limited	Accept in part	3.6
FS1186.16	805.76	Contact Energy Limited	Reject	3.6
FS1186.17	805.78	Contact Energy Limited	Reject	3.6
FS1186.18	805.80	Contact Energy Limited	Reject	3.7
FS1186.19	805.81	Contact Energy Limited	Accept in part	3.7
FS1186.2	251.12	Contact Energy Limited	Reject	3.5
FS1186.3	251.13	Contact Energy Limited	Accept in part	3.6
FS1186.4	251.16	Contact Energy Limited	Accept in part	3.6
FS1186.5	251.17	Contact Energy Limited	Accept in part	3.7
FS1186.6	251.18	Contact Energy Limited	Accept	3.7
FS1186.8	719.147	Contact Energy Limited	Accept in part	2.3
FS1186.9	719.148	Contact Energy Limited	Reject	3.4
FS1208.11	805.93	Vodafone New Zealand Limited	Accept in part	5.15

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1208.2	292.7	Vodafone New Zealand Limited	Accept	3.7
FS1208.3	292.8	Vodafone New Zealand Limited	Accept	3.7
FS1208.4	383.64	Vodafone New Zealand Limited	Reject	5
FS1209.108	600.108	Richard Burdon	Accept in part	3.6
FS1209.109	600.109	Richard Burdon	Reject	3.6
FS1209.110	600.110	Richard Burdon	Reject	3.6
FS1209.111	600.111	Richard Burdon	Accept	4.2
FS1209.112	600.112	Richard Burdon	Accept in part	5.15
FS1209.113	600.113	Richard Burdon	Accept in part	5.15
FS1211.10	649.8	New Zealand Defence Force	Accept	15.2
FS1211.11	649.9	New Zealand Defence Force	Accept	16.1
FS1211.32	805.70	New Zealand Defence Force	Reject	2.3
FS1211.6	433.110	New Zealand Defence Force	Accept in part	13.3
FS1211.7	649.7	New Zealand Defence Force	Accept in part	14.1
FS1211.8	717.19	New Zealand Defence Force	Accept in part	14.1
FS1211.9	717.20	New Zealand Defence Force	Reject	14.1
FS1219.69	632.68	Bravo Trustee Company	Reject	17.3
FS1226.122	238.117	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	2.3
FS1226.123	238.118	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.3
FS1226.124	238.119	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	3.8
FS1226.16	238.11	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.3
FS1234.122	238.117	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	2.3
FS1234.123	238.118	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.3
FS1234.124	238.119	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	3.8
FS1234.16	238.11	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.3
FS1239.122	238.117	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	2.3
FS1239.123	238.118	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.3
FS1239.124	238.119	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	3.8
FS1239.16	238.11	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.3

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.122	238.117	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	2.3
FS1241.123	238.118	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.3
FS1241.124	238.119	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	3.8
FS1241.16	238.11	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.3
FS1242.145	238.117	Antony & Ruth Stokes	Reject	2.3
FS1242.146	238.118	Antony & Ruth Stokes	Accept in part	2.3
FS1242.147	238.119	Antony & Ruth Stokes	Accept in part	3.8
FS1242.39	238.11	Antony & Ruth Stokes	Accept in part	2.3
FS1245.14	475.1	Totally Tourism Limited	Accept	17.7
FS1245.15	475.2	Totally Tourism Limited	Accept	17.7
FS1245.16	243.20	Totally Tourism Limited	Accept	17.7
FS1245.18	310.7	Totally Tourism Limited	Accept in part	17.10
FS1248.122	238.117	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	2.3
FS1248.123	238.118	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.3
FS1248.124	238.119	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	3.8
FS1248.16	238.11	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.3
FS1249.122	238.117	Tweed Development Limited	Reject	2.3
FS1249.123	238.118	Tweed Development Limited	Accept in part	2.3
FS1249.124	238.119	Tweed Development Limited	Accept in part	3.8
FS1249.16	238.11	Tweed Development Limited	Accept in part	2.3
FS1252.69	632.68	Tim & Paula Williams	Reject	17.3
FS1253.11	805.93	Spark New Zealand Trading Limited	Accept in part	5.15
FS1253.2	292.7	Spark New Zealand Trading Limited	Accept	3.7
FS1253.3	292.8	Spark New Zealand Trading Limited	Accept	3.7
FS1253.4	383.64	Spark New Zealand Trading Limited	Reject	5
FS1254.2	373.17	Allenby Farms Limited	Accept in part	3.3
FS1270.125	717.19	Hansen Family Partnership	Accept in part	14.1
FS1270.126	717.20	Hansen Family Partnership	Reject	14.1
FS1270.127	717.21	Hansen Family Partnership	Reject	15.2
FS1270.24	847.18	Hansen Family Partnership	Accept in part	14.1
FS1270.25	847.19	Hansen Family Partnership	Reject	14.1
FS1270.26	847.20	Hansen Family Partnership	Reject	15.2
FS1275.242	632.68	"Jacks Point" (Submitter number 762 and 856)	Reject	17.3



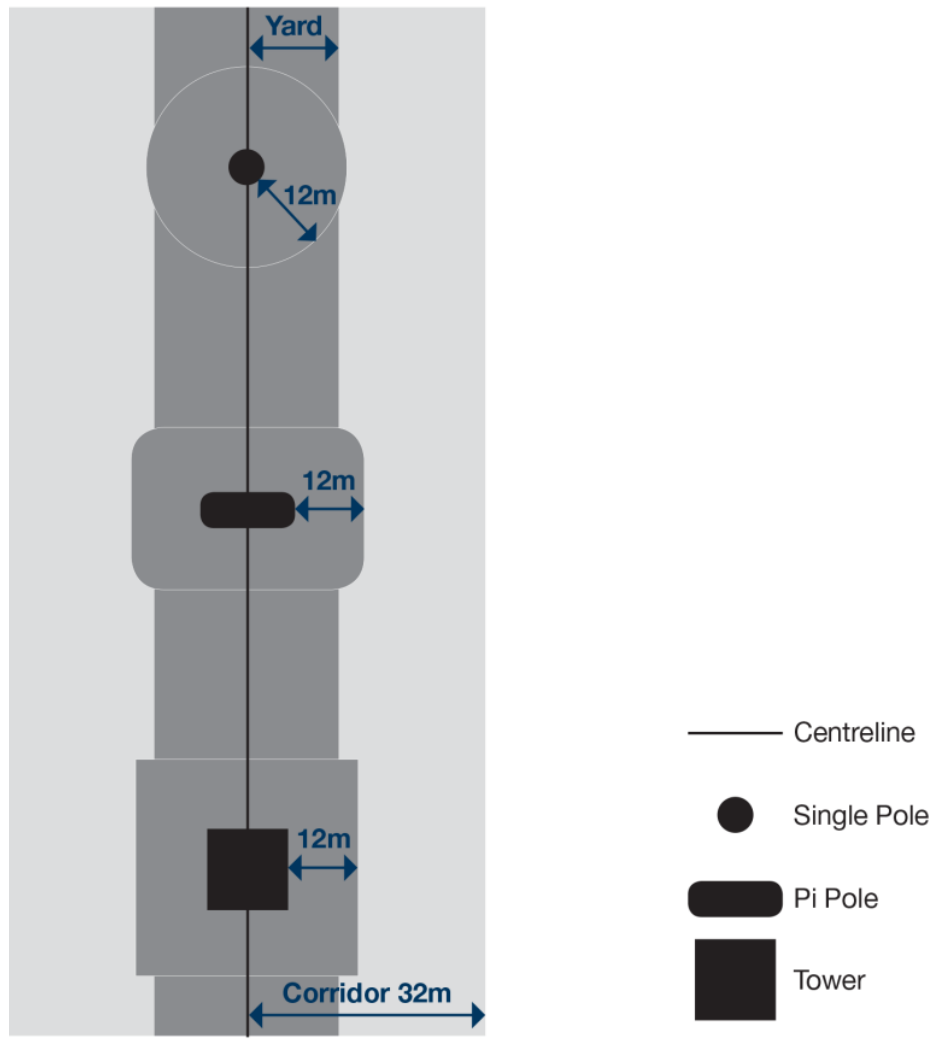
Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1277.72	632.68	Jacks Point Residents and Owners Association	Reject	17.3
FS1283.182	632.68	MJ and RB Williams and Brabant	Reject	17.3
FS1294.1	615.37	Shotover Country Limited	Reject	5.21
FS1301.13	635.51	Transpower New Zealand Limited (Transpower)	Accept in part	3.6
FS1301.14	635.61	Transpower New Zealand Limited (Transpower)	Accept in part	2.2
FS1301.15	635.71	Transpower New Zealand Limited (Transpower)	Accept	2.2
FS1301.16	635.70	Transpower New Zealand Limited (Transpower)	Accept	2.2
FS1301.17	179.28	Transpower New Zealand Limited (Transpower)	Reject	5
FS1301.18	191.26	Transpower New Zealand Limited (Transpower)	Reject	5
FS1301.19	781.26	Transpower New Zealand Limited (Transpower)	Reject	5
FS1316.135	762.8	Harris-Wingrove Trust	Accept in part	17.3
FS1316.136	762.9	Harris-Wingrove Trust	Accept in part	17.3
FS1316.68	632.68	Harris-Wingrove Trust	Reject	17.3
FS1340.49	383.72	Queenstown Airport Corporation	Reject	17.10
FS1341.22	806.205	Real Journeys Limited	Accept in part	5.21
FS1342.10	781.28	Te Anau Developments Limited	Reject	5.25
FS1342.11	781.27	Te Anau Developments Limited	Reject	5.24
FS1342.13	806.205	Te Anau Developments Limited	Accept in part	5.21
FS1342.26	373.17	Te Anau Developments Limited	Accept in part	3.3
FS1342.9	781.14	Te Anau Developments Limited	Accept in part	2.1
FS1345.47	433.116	Skydive Queenstown Limited	Accept	17.8
FS1352.19	72.6	Kawarau Village Holdings Limited	Accept	5.3
FS1356.61	519.61	Cabo Limited	Accept	3.7
FS1356.7	519.7	Cabo Limited	Accept	12.3

Appendix 5: Recommendations to Stream 10 Panel on Definitions

<p><b>Electricity Distribution</b></p>	<p>Means the conveyance of electricity via electricity distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets and ancillary buildings and structures, including communication equipment, by a network utility operator.</p>
<p><b>Energy Activities</b></p>	<p>means the following activities:</p> <ul style="list-style-type: none"> <li>a. Small and Community-Scale Distributed Electricity Generation and Solar Water Heating;</li> <li>b. Renewable Electricity Generation;</li> <li>c. Non-renewable Electricity Generation;</li> <li>d. Wind Electricity Generation;</li> <li>e. Solar Electricity Generation;</li> <li>f. Solar Water Heating;</li> <li>g. Stand-Alone Power Systems (SAPS);</li> <li>h. Biomass Electricity Generation;</li> <li>i. Hydro Generation Activity;</li> <li>j. Mini and Micro Hydro Electricity Generation.</li> </ul>
<p><b>Minor Upgrading</b> <b>(For the purposes of Chapter 30 only)</b></p>	<p>Means an increase in the carrying capacity, efficiency or security of electricity transmission and distribution or telecommunication lines utilising the existing support structures or structures of a similar character, intensity and scale-and includes the following:</p> <ul style="list-style-type: none"> <li>a. addition of lines, circuits and conductors;</li> <li>b. reconducting of the line with higher capacity conductors;</li> <li>c. re-sagging of conductors;</li> <li>d. bonding of conductors;</li> <li>e. addition or replacement of longer or more efficient insulators;</li> <li>f. addition of electrical fittings or ancillary telecommunications equipment;</li> <li>g. addition of earth-wires which may contain lightning rods, and earth-peaks;</li> <li>h. support structure replacement within the same location as the support structure that is to be replaced;</li> <li>i. addition or replacement of existing cross-arms with cross-arms of an alternative design;</li> <li>j. replacement of existing support structure poles provided they are less or similar in height, diameter and are located within 2 metres of the base of the support pole being replaced;</li> <li>k. addition of a single service support structure for the purpose of providing a service connection to a site, except in the Rural zone;</li> </ul>

	<p>l. the addition of up to three new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period.</p>
<b>National Grid</b>	<p>Means the same as in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.</p>
<b>National Grid Sensitive Activities</b>	<p>Means those activities within the National Grid Corridor that are particularly sensitive to the risks associated with electricity transmission lines because of either the potential for prolonged exposure to the risk or the vulnerability of the equipment or population that is exposed to the risk. Such activities include buildings or parts of buildings used for, or able to be used for the following purposes:</p> <ul style="list-style-type: none"> <li>a. Day Care facility;</li> <li>b. Educational facility;</li> <li>c. Healthcare facility;</li> <li>d. Papakainga;</li> <li>e. Any residential activity; or</li> <li>f. Visitor accommodation.</li> </ul>

Diagram relevant to the definitions of National Grid Corridor and National Grid Yard:



<b>Notional boundary</b>	means a line 20 m from any side of any residential unit or the legal boundary whichever is closer to the residential unit.
<b>Relocated/Relocatable Building</b>	means a building which is removed and re-erected on another site, but excludes any newly prefabricated building which is delivered to a site for erection on that site. This definition excludes Removal and Re-siting
<b>Relocation</b>	In relation to a building, means the removal of any building from any site to another site.
<b>Removal of a Building</b>	means the shifting of a building off a site.
<b>Re-siting of a Building</b>	means shifting a building within a site.
<b>Small Cell Unit</b>	means a device:

	<ul style="list-style-type: none"> <li>a. that receives or transmits radiocommunication or telecommunication signals; and</li> <li>b. the volume of which (including any ancillary equipment, but not including any cabling) does not exceed 0.11m<sup>3</sup>.</li> </ul>
<b>Temporary Activities</b>	<p>Means the use of land, buildings, vehicles and structures for the following listed activities of short duration, limited frequency, and are outside the regular day-to-day use of a site:</p> <ul style="list-style-type: none"> <li>a. temporary events</li> <li>b. temporary filming</li> <li>c. temporary activities related to building and construction</li> <li>d. temporary military training</li> <li>e. temporary storage</li> <li>f. temporary utilities</li> <li>g. temporary use of a site as an informal airport as part of a temporary event</li> </ul>
<b>Temporary Events</b>	<p>Insert following note:</p> <p style="padding-left: 40px;">Note - The following activities associated with Temporary Events are not regulated by the PDP:</p> <ul style="list-style-type: none"> <li>a. Food and Beverage</li> <li>b. Sale of Alcohol</li> </ul>
<b>Temporary Military Training Activity (TMTA)</b>	<p>Means a temporary military activity undertaken for defence purposes. Defence purposes are those in accordance with the Defence Act 1990.</p>
<b>Utility</b>	<p>Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including but not limited to:</p> <ul style="list-style-type: none"> <li>a. substations, transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity;</li> <li>b. pipes and necessary incidental structures and equipment for transmitting and distributing gas;</li> <li>c. storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage;</li> <li>d. water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks);</li> <li>e. structures, facilities, plant and equipment for the treatment of water;</li> <li>f. structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications (see definition of telecommunication facilities);</li> <li>g. structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards;</li> <li>h. structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards.</li> </ul>

	<ul style="list-style-type: none"><li>i. structures, facilities, plant and equipment necessary for navigation by water or air;</li><li>j. waste management facilities;</li><li>k. flood protection works; and</li><li>l. Anything described as a network utility operation in s166 of the Resource Management act 1991</li><li>m. Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.</li></ul>
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## Appendix 6: Recommendations on Submission to Stream 10 Panel

### Part A: Submissions

Submission Number	Submitter	Recommendation to Stream 10 Panel	Report Reference
179.3	Vodafone NZ	Reject	6.2
179.4	Vodafone NZ	Accept	6.1
179.5	Vodafone NZ	Accept in part	5.14
179.6	Vodafone NZ	Reject	6.3
179.7	Vodafone NZ	Reject	6.4
191.2	Spark Trading NZ Limited	Reject	6.2
191.3	Spark Trading NZ Limited	Accept	6.1
191.4	Spark Trading NZ Limited	Accept in part	5.14
191.5	Spark Trading NZ Limited	Reject	6.3
191.6	Spark Trading NZ Limited	Reject	6.4
243.40	Christine Byrch	Reject	18.2
243.45	Christine Byrch	Accept in part	12.3
243.46	Christine Byrch	Reject	12.4
251.32	PowerNet Limited	Accept in part	5.14
383.2	Queenstown Lakes District Council	Accept	6.5
383.4	Queenstown Lakes District Council	Accept	6.4
383.6	Queenstown Lakes District Council	Accept	5.15
421.2	Two Degrees Mobile Limited	Reject	6.2
421.3	Two Degrees Mobile Limited	Accept	6.1
421.4	Two Degrees Mobile Limited	Accept in part	5.14
421.5	Two Degrees Mobile Limited	Reject	6.3
421.6	Two Degrees Mobile Limited	Reject	6.4
433.33	Queenstown Airport Corporation	Reject	12.3
496.4	House Movers Section of New Zealand Heavy Haulage Association (Inc)	Accept in part	12.2
519.7	New Zealand Tungsten Mining Limited	Reject	12.3
607.44	Te Anau Developments Limited	Reject	12.3
615.42	Cardrona Alpine Resort Limited	Reject	12.3
621.113	Real Journeys Limited	Reject	12.3
635.1	Aurora Energy Limited	Reject	2.2
635.2	Aurora Energy Limited	Accept	6.1
635.3	Aurora Energy Limited	Accept in part	6.1
635.4	Aurora Energy Limited	Reject	6.1
635.5	Aurora Energy Limited	Accept in part	5.14
635.6	Aurora Energy Limited	Accept in part	6.7
635.7	Aurora Energy Limited	Reject	6.8
635.8	Aurora Energy Limited	Accept in part	12.3
635.9	Aurora Energy Limited	Accept in part	6.2
649.20	Southern District Health Board	Accept	18.3
719.3	NZ Transport Agency	Reject	6.4
781.3	Chorus New Zealand Limited	Reject	6.2
781.4	Chorus New Zealand Limited	Accept	6.1

Submission Number	Submitter	Recommendation to Stream 10 Panel	Report Reference
781.5	Chorus New Zealand Limited	Accept in part	5.14
781.6	Chorus New Zealand Limited	Reject	6.3
781.7	Chorus New Zealand Limited	Reject	6.4
805.11	Transpower New Zealand Limited	Accept in part	6.2
805.12	Transpower New Zealand Limited	Accept	5.15
805.13	Transpower New Zealand Limited	Accept	5.15
805.14	Transpower New Zealand Limited	Accept	5.15
805.15	Transpower New Zealand Limited	Accept	5.15
805.16	Transpower New Zealand Limited	Accept in part	6.7
805.17	Transpower New Zealand Limited	Reject	6.9
805.18	Transpower New Zealand Limited	Reject	5.15
805.19	Transpower New Zealand Limited	Accept in part	5.15
805.20	Transpower New Zealand Limited	Accept	6.1
805.21	Transpower New Zealand Limited	Accept in part	6.2
805.4	Transpower New Zealand Limited	Accept	6.1
805.5	Transpower New Zealand Limited	Reject	5.15
805.6	Transpower New Zealand Limited	Reject	5.15
805.7	Transpower New Zealand Limited	Reject	5.15
836.9	Arcadian Triangle Limited	Accept in part	5.15
1365.1	New Zealand Defence Force	Accept in part	12.3

Part B: Further Submissions

Further Submission No	Original Submission Number	Further Submitter	Recommendation to Stream 10 Panel	Report Reference
FS1015.43	519.7	Straterra	Reject	12.3
FS1077.56	635.6	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	6.7
FS1077.64	805.16	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	6.7
FS1077.65	805.17	Board of Airline Representatives of New Zealand (BARNZ)	Accept	6.9
FS1097.279	421.2	Queenstown Park Limited	Accept	6.2
FS1097.51	179.3	Queenstown Park Limited	Reject	6.2
FS1097.58	191.2	Queenstown Park Limited	Reject	6.2
FS1097.59	191.4	Queenstown Park Limited	Accept	5.14
FS1097.60	191.6	Queenstown Park Limited	Reject	6.4
FS1097.640	635.6	Queenstown Park Limited	Reject	6.7
FS1097.693	719.3	Queenstown Park Limited	Reject	6.4
FS1105.42	615.42	Cardrona Valley Residents and Ratepayers Society Inc	Reject	12.3
FS1106.10	805.16	Chorus New Zealand Limited	Accept in part	6.7
FS1117.55	421.2	Remarkables Park Limited	Accept	6.2
FS1121.1	179.5	Aurora Energy Limited	Accept in part	5.14
FS1121.2	191.4	Aurora Energy Limited	Accept in part	5.14



Further Submission No	Original Submission Number	Further Submitter	Recommendation to Stream 10 Panel	Report Reference
FS1121.3	781.5	Aurora Energy Limited	Accept in part	5.14
FS1121.5	191.6	Aurora Energy Limited	Reject	6.4
FS1121.6	805.16	Aurora Energy Limited	Accept in part	6.7
FS1132.2	179.5	Federated Farmers of New Zealand	Reject	5.14
FS1132.3	179.7	Federated Farmers of New Zealand	Accept	6.4
FS1132.37	635.1	Federated Farmers of New Zealand	Accept	2.2
FS1132.38	635.3	Federated Farmers of New Zealand	Reject	6.1
FS1132.39	635.4	Federated Farmers of New Zealand	Accept	6.1
FS1132.40	635.5	Federated Farmers of New Zealand	Accept in part	5.14
FS1132.41	635.6	Federated Farmers of New Zealand	Reject	6.7
FS1132.42	635.7	Federated Farmers of New Zealand	Accept	6.8
FS1132.8	191.4	Federated Farmers of New Zealand	Reject	5.14
FS1132.9	191.6	Federated Farmers of New Zealand	Reject	6.4
FS1137.43	615.42	Kay Curtis	Reject	12.3
FS1159.1	805.16	PowerNet Ltd	Accept in part	6.7
FS1208.10	805.16	Vodafone New Zealand Limited	Accept in part	6.7
FS1211.14	635.6	New Zealand Defence Force	Accept in part	6.7
FS1211.19	805.16	New Zealand Defence Force	Accept in part	6.7
FS1211.20	805.17	New Zealand Defence Force	Reject	6.9
FS1253.10	805.16	Spark New Zealand Trading Limited	Accept in part	6.7
FS1255.17	179.3	Arcadian Triangle Limited	Accept	6.2
FS1255.18	191.2	Arcadian Triangle Limited	Accept	6.2
FS1301.1	635.1	Transpower New Zealand Limited (Transpower)	Accept in part	2.2
FS1301.2	635.3	Transpower New Zealand Limited (Transpower)	Accept in part	6.1
FS1301.3	635.4	Transpower New Zealand Limited (Transpower)	Accept in part	6.1
FS1301.4	635.5	Transpower New Zealand Limited (Transpower)	Accept in part	5.14
FS1301.5	179.5	Transpower New Zealand Limited (Transpower)	Reject	5.14
FS1301.6	191.4	Transpower New Zealand Limited (Transpower)	Reject	5.14
FS1301.7	635.9	Transpower New Zealand Limited (Transpower)	Accept in part	6.2

Further Submission No	Original Submission Number	Further Submitter	Recommendation to Stream 10 Panel	Report Reference
FS1301.8	635.7	Transpower New Zealand Limited (Transpower)	Reject	6.8
FS1340.1	243.40	Queenstown Airport Corporation	Accept	18.2
FS1340.7	805.16	Queenstown Airport Corporation	Accept in part	6.7
FS1342.6	781.6	Te Anau Developments Limited	Reject	6.3
FS1342.7	781.5	Te Anau Developments Limited	Accept in part	5.14
FS1342.8	781.7	Te Anau Developments Limited	Reject	6.4
FS1356.7	519.7	Cabo Limited	Accept	12.3