

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes
Proposed District Plan

AND

IN THE MATTER of Hearing Stream 15 –
District Wide Chapters

MINUTE CONCERNING CONTENT OF COUNCIL REPLY

1. At the conclusion of the Stream 15 hearings on 28 September, we advised the Council officer in attendance (Mr Place) that we would provide the Council with a list of matters for which we seek feedback as part of the Council reply. We have now reviewed our notes and the list of matters we request feedback on follows.
2. We emphasise that we are not suggesting that these are the only matters on which the Council reply. The Council of course retains the freedom to reply on all matters canvassed at the hearings which have not already been addressed in the Council's legal submissions and evidence.
3. We also wish to make clear that in those instances below where we request that the Council draft example rules for us to consider:
 - a) such rules are to assist us with ensuring that any amendments we recommend are consistent with the drafting style the Council is seeking to adopt in the PDP;
 - b) we will treat them as being without prejudice to the Council's position as to whether they are appropriate or not; and
 - c) we have come to no conclusions as to whether such rules should be included in the PDP at this stage.

General

4. Throughout the provisions as amended in the rebuttal evidence, the references in rules to matters of control or discretion use a variety of terminology. Does the Council wish to use wording consistent with that in the Decisions Version of the Stage 1 Chapters?

5. It appears to us that the rules in each chapter related to notification/non-notification of resource consent applications, as notified, were drafted without reference to the amendments made to the notification provisions in the Act which came into effect late last year. Does the Council recommend any amendments to avoid unexpected, and potentially disabling, outcomes, and if so, to what extent is there scope to make such amendments?

Visitor Accommodation

6. Consider whether:
- a) it is appropriate to provide as a permitted activity for a low level of Residential Visitor Accommodation (RVA), for which few standards would be imposed, that would apply to infrequent, non-commercial, short-term use by family and/or friends of owners/occupiers (whether or not a fee or reward is provided); and
 - b) how such a rule could be drafted.
7. Draft permitted activity rules for RVA and Homestay that include the following Standards (or similar and without the need to specify any particular number of nights):
- A “registration” requirement;
 - Record keeping and reporting information to the Council;
 - A maximum number of nights (XX nights) per annum for RVA;
 - Maximum number of guests per night (XX guests) for Homestay;
 - Number of residential units / residential flats that can be used per site;
 - Any other relevant standards

Identify an activity status for breach of each standard, and where restricted discretionary is suggested, identify appropriate matters of discretion.

8. Draft a controlled activity rule for RVA that includes the following Standards (or similar) and relevant Matters of Control:
- A “registration” requirement;
 - Record keeping and reporting information to the Council;

- A maximum number of nights (XX nights) per annum;
- Number of residential units / residential flats that can be used per site;
- Maximum number of people per unit / flat, or maximum number of people per bedroom;
- Any Fire / Health & Safety requirements (refer to Appendix 12 of the ODP for some guidance);
- Parking requirements;
- Heavy vehicle movements;
- Any other relevant standards.

The activity status for breaching each of the different standards should be identified and Matters of Discretion provided where Restricted Discretionary activity status is suggested.

9. Advise regarding the scope within the submissions for consideration of extensions of Visitor Accommodation Sub-Zones applied over the Medium Density Residential Zone around Town Centres.
10. Provide recommended provisions for RVA and Homestay in the rural zones consistent with the conclusions reached in the Memorandum of 14 September.
11. Provide responses to the provisions suggested by Bookabach/Bachcare and the luxury accommodation providers.

Open Space and Recreation

12. Provide definitions of terms used to differentiate activities in Table 38.1, such as informal recreation, organised sport and recreation and public amenities, and advise on whether scope exists to include those definitions in Chapter 2.

Transport

13. Consider amendments to the definition of “public water ferry service” that deletes the requirement relating to “tourism” and includes a requirement relating to timetabled scheduled routes and stops which enabling passengers to get on and off the service.
14. Provide legal advice specific to the PDP supporting the amendments to Section 37.2 in relation to roads and the proposed provisions in 29.3.3.1 and 29.3.3.2.

15. Consider whether the recommended amendment to Rule 29.4.10 to provide an exception for an activity where an ITA has previously been undertaken can be made more certain and less open to discretionary interpretation with reference to Christchurch District Plan Rule 7.4.3.10 d.ii.

Earthworks

16. Consider whether the provisions should include a statement that, particularly in urban areas, and potentially in other specified zones or areas, the focus of the provisions in Chapter 25 is to provide a regulatory regime to ensure earthworks do not have significant adverse effects on the environment, rather than discourage or avoid earthworks.
17. Consider whether more certain and less discretionary wording can be provided for Standards 25.5.12 – 25.5.14, including the option of referring to appropriate guidance.
18. Consider whether wider provision could be included for non-notification for earthworks consents, whether there is scope in the submissions to make any such amendment, or whether the revised notification provisions of the Act will have the same effect.
19. Consider the suggestions provided by Mike Botting for Paterson Pitts to amend the earthworks provisions.

Signs

20. Consider how Chapter 31 might clearly distinguish between “moving signs” and “digital signs” that show movement.
21. Consider how the provisions could be amended to make clear the signage area restrictions are in addition to the signage specified as permitted activities.
22. Consider the rewording of the “corporate colours” requirement as discussed at the hearing.
23. Consider whether there is scope to provide more widely for information and/or interpretative signs beyond those provided for on/near roads, cycleways, SASZs etc.
24. Draft a rule providing for signs in business zones exceeding 5m² per tenancy as a restricted discretionary activity, including identifying what would be appropriate matters of discretion. Advise whether there is scope in the submissions to make such an amendment.

25. Give further attention to the definition of “off-site sign” with a view to removing uncertain and discretionary aspects from the definition. In addition, suggest a means to provide clarity regarding the activity status for a sign which does not relate to a business at the site where the sign is located, but does not come within the definition of off-site sign (subject to any recommendation as to how that definition be amended).

26. Consider whether Rule 31.7.2 should be located in Table 31.5 given that consented signage platforms exist in relation to the consent granted rather than the PDP zoning applied.

For the Hearing Panel

A handwritten signature in blue ink, appearing to read "Nugent", written in a cursive style.

Denis Nugent (Chair)

28 September 2018