

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 9: Jacks
Point Zone

MINUTE CONCERNING ACTIVITY STATUS UNDER CHAPTER 41

1. This Minute arises from what appears to be duplication and confusion concerning two rules under Chapter 41.

2. Rule 41.4.1 (Table 1) provides that:

“Activities that are not listed in this table and comply with all standards” are a Permitted Activity.

3. Rule 41.4.9 Structure Plan – Activities (Table 1) provides that:

“Any activity which is not provided for within the list of activities below or which is not provided a specific activity status through any other rule within Rule 41.5 Table 2 – Standards for Activities” is a Discretionary Activity.

Rule 41.4.9 is then followed by a list of activities permitted in the various Activity Areas which in turn follows on from Rules 41.4.2 – 41.4.8 which also concern the status of activities in the Activity Areas.

4. There are numerous submission points listed under Rule 41.4.1, which all seem to support the uplifting of Controlled Activity status for dwellings in the Jacks Point Residential Activity Areas.

5. There are submissions supporting Rule 41.4.9. One, (RCL) simply questions the details of the wording of that rule.

6. Typically, District Plans have either a single general introductory rule which either provides a “safety net” whereby any activity “which we haven’t thought of” becomes discretionary, while other plans (like Rule 41.4.1) adopt the permissive assumption under the Act that any activity which is not listed or which complies with all rules is

permitted. The problem in this case appears to be having two separate rules, one of each type, whereby there is considerable scope for confusion.

7. The Officer's report suggests some useful amendments to Rule 41.4.9 in response to the RCL submission, but makes no reference to Rule 41.4.1.
8. We accordingly request that the Council clarifies the position with the application of these two rules. To ensure fairness to submitters, I set the following timetable for the receipt of Council's clarification and any comments from submitters:
 - a) Council's response to this Minute is to be lodged and distributed to all Stream 9 submitters who lodged submissions on Jacks Point Zone by 12 noon on Friday 12 May 2017;
 - b) Any comments from submitters who lodged submissions on Jacks Point Zone are to be received by 12 noon on Friday 17 May 2017;
 - c) Any reply submissions by Council are to be lodged by 4pm on Wednesday 24 May 2017.

For the Hearing Panel

A handwritten signature in blue ink, appearing to read 'Nugent', is written over a light blue circular stamp.

Denis Nugent (Chair)

4 May 2017