

BEFORE THE ENVIRONMENT COURT

ENV-2018-CHC-000053
ENV-2018-CHC-000054
ENV-2018-CHC-000055
(continued over)

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of appeals under clause
14 of Schedule 1 of the
Act against decisions of
the Queenstown Lakes
District Council on Stage 1
of the Proposed
Queenstown Lakes
District Plan

BETWEEN **FEDERATED FARMERS
OF NEW ZEALAND**
and all other appellants
concerning Stage 1 of the
Proposed Queenstown
Lakes District Plan

AND **QUEENSTOWN LAKES
DISTRICT COUNCIL**

Respondent

**MEMORANDUM OF COUNSEL FOR QUEENSTOWN LAKES DISTRICT COUNCIL
REGARDING FURTHER PARTICULARS AND REQUEST FOR AN AMENDED TIMETABLE
FOR STRATEGIC TOPICS 1 AND 2**

2 AUGUST 2018

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MAY IT PLEASE THE COURT

1. This memorandum is filed in response to the Court's minute dated 17 July 2018 (**Minute**) relating to the appeals on Stage 1 of the Queenstown Lakes District Council's (**Council**) Proposed District Plan (**PDP**).
2. The memorandum addresses three matters:
 - 2.1 further particulars for all appeals;
 - 2.2 mediation and timetables for evidence and conferencing (Strategic Topics 1 and 2);
 - 2.3 proposed adjustments to the subtopics in Strategic Topic 1; andseeks directions in relation to the first two matters.

Further particulars

3. The Court directed, at paragraph 34(2)(b) of its Minute, that applications for further particulars of the relief sought in relation to any notice of appeal in respect of Strategic Topics 1 and 2 are to be lodged and served by 3 August 2018. Applications for further particulars in respect of appeals on other topics are to be lodged and served by 2 November 2018, after those other topics have been confirmed.
4. This memorandum complies with the Court's directions in respect of all topics, rather than just Strategic Topics 1 and 2. The Council provides, at **Appendix A**, a full list of the further particulars sought by the Council in relation to all appeals on the PDP. Where relevant, the table at **Appendix A** specifically identifies the Strategic Topics that the Council considers each of the appeal points to fall in to.
5. On 13 July 2018, the Council contacted appellants and/or their counsel regarding the majority of appeal points where the Council considered that further particulars would be required. The Council's email explained its intention to request a direction from the Court to provide further particulars, and attached a table similar to **Appendix A**. All parties contacted agreed to provide the further particulars requested by 31 August 2018.

6. After the 17 July Minute was issued, the Council contacted those appellants whose appeal points it considers fall into Strategic Topic 1, and obtained their agreement to provide all further particulars relating to that topic by the earlier date of 15 August 2018. The Council's purpose for making this additional request was to ensure that it has the further particulars in sufficient time to prepare its evidence on the relevant points of appeal.
7. On Wednesday 1 August 2018 the Council contacted counsel for Real Journeys Limited and Real Journeys Limited (trading as Go Orange) (**Real Journeys**) to request additional further particulars relating to the parts of Real Journeys' appeals proposing a new waterways chapter. The appeal points to which the further particulars request relates are recorded in **Appendix 1** against Strategic Topic 2 (being appeal points ENV-2018-CHC-131-037 and ENV-2018-CHC-138-017). Given that the Council only contacted the Real Journeys' counsel yesterday, it has not yet received a response agreeing to provide the further particulars. While the Council considers that the provision of the further particulars is necessary and seeks a direction to this effect, the Council considers that it would be reasonable to give Real Journeys additional time to provide the further particulars now sought.
8. On the basis of the above the Council seeks a direction that:
 - 8.1 all appellants included in **Appendix A** and identified as being allocated to Topic 1, file with the Court and serve on the Council and all relevant section 274 parties, further particulars by 15 August 2018;
 - 8.2 all other further particulars identified in **Appendix A** (excluding those relating to appeal points ENV-2018-CHC-131-037 and ENV-2018-CHC-138-017) be filed with the Court and served on the Council and all relevant section 274 parties by 31 August 2018; and
 - 8.3 the further particulars relating to appeal points ENV-2018-CHC-131-037 and ENV-2018-CHC-138-017 be filed with the Court and served on the Council and all relevant section 274 parties by 14 September 2018.

Mediation and timetables for evidence and conferencing (Strategic Topics 1 and 2)

9. The Minute states, at paragraph 19, that the Court's initial view is that a general order for mediation of Strategic Topics 1 and 2 is inappropriate. The Minute notes that many

of the relevant objectives and policies are abstract in nature, potentially resulting in lengthy discussions; that the costs to parties would be considerable; and that time spent preparing for mediation may be better spent in preparing evidence and taking part in expert conferencing.

10. The Minute notes at paragraph 22 that if nearly all (in the Court's view) of the parties to Strategic Topics 1 and 2 agree that mediation has a reasonable prospect of success (or of narrowing the issues), then the Court may direct that alternative dispute resolution should take place in September 2018. Leave was reserved for parties to make applications for directions as to alternative case management, mediation, timetabling of service of evidence, or hearing, by 10 August 2018.
11. The Council agrees with the suggestion of the Court that the most appropriate course is to proceed directly to hearings on Strategic Topics 1 and 2. However, the Council respectfully seeks amended directions in regards to the evidence timetables for Strategic Topics 1 and 2, principally in relation to the dates for the Council's evidence in chief, expert conferencing and the filing of section 274 party evidence.

The Council's evidence in chief on Topic 1

12. In preparation for the appeals on the PDP, the Council engaged a number of witnesses ahead of time to ensure that the most appropriate experts were available. In particular, the Council engaged Mr Andrew Collins to provide planning evidence on the strategic matters that have now been allocated to Strategic Topics 1 and 3. Mr Collins has 30 years' resource management experience and significant experience providing expert evidence on strategic matters such as those that have now been allocated to Strategic Topics 1 and 3.
13. Unfortunately, Mr Collins will be overseas from 22 August to 17 September 2018. Mr Collins had his overseas trip planned for a later set of dates at the time that the Council contacted him about providing planning evidence on the PDP appeals. He moved the trip forward in order to accommodate the dates that the Council had anticipated were likely to be timetabled for mediation on the Strategic Topics. While the Council is grateful to the Court for its suggestion that Strategic Topics 1 and 2 proceed directly to hearing, the dates now suggested by the Court for the filing of the Council's evidence in chief on Strategic Topic 1 conflict with the new dates that Mr Collins has arranged for his trip.

14. Given Mr Collins' significant relevant experience and the work already completed in engaging him and briefing him on the appeals that are now allocated to Strategic Topics 1 and 3, the Council respectfully suggests that it would be difficult to replace him at this stage. In the alternative, the Council suggests some adjustments to the evidence and conferencing timetable in order to provide the Council with sufficient time to file its evidence in chief, while at the same time retaining the ability for the Court to hold a hearing in the weeks of 18 and 25 February 2019. This timetabling is returned to, below.

Expert conferencing

15. Given the focus of Strategic Topic 1, the Council considers that expert evidence is likely to be required from planning, economic and landscape experts,¹ as well as evidence as to factual matters. In terms of witness conferencing, the Council anticipates that the specific conferencing topics would be likely to be:

15.1 general economic issues;

15.2 landscape issues;

15.3 growth issues such as population and visitor projections; and

15.4 the centres strategy for the District, and the planning response.

16. With the exception of issues relating to the centres strategy for the District, the Council's view is that there is unlikely to be significant utility in expert conferencing by planning witnesses. The Council's view is that drafting amendments to the relevant Strategic Objectives and Policies through conference has the potential to result in suboptimal outcomes. Accordingly, the Council respectfully suggests that matters of plan drafting be dealt with through evidence and at the hearing, and that expert conferencing on Strategic Topics 1 and 2 be limited to the matters listed in paragraph 15 above.

17. Further, the Council respectfully submits that it would be most efficient for the joint witness statements to be finalised during expert conferencing rather than circulated and finalised at a later date. Finalising joint witness statements during conferencing will avoid any unexpected issues arising at the last minute during the drafting and signing phase.

¹ It is anticipated that any landscape evidence would be provided as a contextual basis for the matters to be addressed by the other experts.

18. Given the above matters, the Council respectfully suggests that less time would be required for expert conferencing than was suggested in the timetable originally provided by the Court. Specifically eight working days is suggested for conferencing in the place of the originally suggested 15 working days.

Section 274 party evidence

19. The Council further submits that it would be most appropriate for all section 274 parties' evidence to be filed on the same dates. Given that the section 274 parties have the opportunity to file rebuttal evidence, each party will have the opportunity to respond to any evidence from any other section 274 party. Further, as rebuttal evidence is intended for the purposes of addressing matters raised in evidence, the Council submits that there would not be a disadvantage to any section 274 party (either supporting the appellants or supporting the Council) in filing all section 274 party rebuttal evidence on the same date.
20. Finally, the Council notes that there are likely to be a number of section 274 parties that neither support the Appellants' or the Council's position, but instead seek relief somewhere in between. Providing the same date for the filing of evidence would avoid any uncertainty for the above section 274 parties as to which date to file their evidence, and would overcome any issues for the Council or the appellants should such section 274 parties file evidence on an unexpected date. There may also be some section 274 parties that support the Appellants' positions on some matters and the Council's position on other matters. Having the same date for the filing of the section 274 parties' evidence will avoid the need for such section 274 parties to file two sets of evidence in chief and two sets in reply.

Timetable amendments

21. In view of Mr Collins' availability, the limited number of conferencing topics that are expected for Topic 1, and the Council's suggestions in relation to the filing of the section 274 parties' evidence, the Council respectfully suggests the amendments to the timetable as shown below.

22. It is noted that:

22.1 the result of the amendments suggested below is that the Council's and Appellants' evidence in chief on Strategic Topic 2 will be filed before their evidence in chief on Strategic Topic 1. The Council considers this to be a workable approach given the distinct focus of the two topics;

22.2 the original time periods suggested by the Court for the preparation of the parties evidence differed between Topics 1 and 2. The Council's suggested amendments retain this approach, which the Council considers to be appropriate given that there are significantly more appeals in Strategic Topic 2; and

22.3 the proposed timetables result in the dates for the filing of the appellants evidence on Strategic Topics 1 and 2 falling close together (being 2 November 2018 for Strategic Topic 2 and 5 November 2018 for Topic 1). The Council has turned its mind to this fact. However, the Council was unable to identify a manner in which these dates could be further separated without causing a similar issue in respect of the dates for the section 274 party evidence (noting that many counsel and expert witnesses are also involved in preparing the cases for the section 274 parties) or impacting the hearing date for Strategic Topic 1.

23. It is further noted that the fact that Hearing Stream 15 on Stage 2 of the Council's PDP (in respect of which a number of appellants' and section 274 parties' counsel are involved) is to be held from the 3rd until the 28th of September 2019 has formed part of the Council's considerations when preparing the below proposed amendments to the timetable.

24. The Council's suggested amendments in respect of the timetable are shown in black underlined text and deletions are shown in black ~~striketrough~~ text:

Column A	Column B	Column C
Strategic Topic 1	Strategic Topic 2	Event
Date	Date	
Week of 3 September 2018		initial judicial conference
	Week of 17 September 2018	initial judicial conference
21 September 2018 <u>15 October 2018</u>	5 October 2018	evidence-in-chief for Queenstown Lakes District Council
12 October 2018 <u>5 November 2018</u>	2 November 2018	evidence-in-chief for the appellants
26 October 2018 <u>26 November 2018</u>	9 November 2018	evidence-in-chief for section 274 parties supporting appellants
9 November 2018	30 November 2018	evidence-in-chief for section 274 parties opposing appellants
19 Nov to 7 Dec 2018 <u>27 November 2018 to 10 December 2018</u>	10 Dec to 5 Feb 2019 <u>19 November 2018 to 20 December 2018</u>	expert conferencing to take place <u>including the drafting of Joint Witness Statements</u>
12 December 2018	8 February 2019	Joint Witness Statements to be lodged
20 December 2018	12 February 2019 <u>31 January 2019</u>	rebuttal evidence for appellants and supporting section 274 parties
<u>21 January 2018</u>	<u>21 February 2019</u>	<u>rebuttal evidence for section 274 parties</u>
23 January 2019 <u>30 January 2019</u>	8 March 2019 <u>15 March 2019</u>	rebuttal evidence for QLDC together with a memorandum

		suggesting order of dealing with <u>subtopics</u> and the estimated hearing time for each
30 January 2019	15 March 2019	rebuttal evidence for section 274 parties supporting the QLDC
5 February 2019	22 March 2019	the QLDC should compile and lodge five (5) hard copies of all evidence on the first strategic topics to be heard
Weeks of 18 and 25 February 2019 <u>(paragraph 14 of the Court's 26 July Minute stated that further hearing time may be allotted if necessary at the judicial conference)</u>	Weeks of 11, 8 and 15 April 2019	Hearing

Proposed adjustments to the subtopics in Strategic Topic 1

25. Paragraph 14 of the Court's Minute of 26 July 2018 notes that Strategic Topic 1 appears to be very broad and indicates that more than two weeks of hearing time may be required for Strategic Topic 1. The Council has reflected on this observation and as a result proposes some further refinements to the subtopics initially suggested by the Council. The Council has raised this matter now to give the other parties the opportunity to reflect on the refinements proposed when providing their feedback to the Council on Strategic Topic 1 on 10 August 2018.
26. The Council suggests the following refinements:
- 26.1 The originally proposed subtopics were split into appeals on Strategic Objectives and appeals on Strategic Policies. The Council now suggests three new subtopics grouped by the subject matter of the relief sought. This will allow for the hearing to be split into logical groups, in order that the hearing of Strategic Topic 1 may be split up into different parts if necessary to accommodate hearing dates.

- 26.2** The Council supports the Court's suggestion² that the relief seeking a new waterways chapter³ be reallocated to Strategic Topic 2. Therefore, the below subtopics do not include the request for a new waterways chapter.
- 26.3** While the definition of 'Resort' appears first in the provisions contained in Strategic Topic 1, the only relief sought on this definition is from Waterfall Park Limited seeking that the definition be deleted.⁴ It appears that this relief is linked directly to the relief that Waterfall Park Limited seeks in respect of the definition of 'Urban Development.' The Council considers that it would be most logical for the Court to consider both pieces of relief at the same time in Strategic Topic 3. Accordingly, the Council has removed the definition of 'Resort' from the subtopics in Strategic Topic 1. The result of this refinement is that it appears that Waterfall Park Limited now has no relief in Strategic Topic 1.
- 26.4** Upper Clutha Environmental Society Incorporated (**UCESI**) seeks changes to the purpose statement at 3.1 of Chapter 3, in particular a change to Issue 4.⁵ The Council originally allocated this relief to Strategic Topic 1. However, on reflection it is noted that the requested amendments are focused on protecting rural landscapes. As such the Council proposes that this relief be reallocated to Strategic Topic 2 (along with the parts of the purpose statement 3.1 that relate to issues 2 and 4). The result of this refinement is that it appears that UCESI now has no relief in Strategic Topic 1.
- 27.** For the above reasons the Council proposes the below subtopic breakdown for Strategic Topic 1 for the parties' consideration.

² Minute dated 26 July 2018, at [13].

³ Relief sought by Real Journeys Limited ENV-2018-CHC-131 and Real Journeys Limited (trading as Go Orange). ENV-2018-CHC-138.

⁴ ENV-2018-CHC-124. It is noted that Trojan Helmet Limited indicated in its appeal (ENV-2018-CHC-092) that it considered the definition of 'resort' to be appropriate. However, it did not seek any relief in respect of the definition.

⁵ ENV-2018-CHC-056.

COLUMN A	COLUMN B
TOPIC 1: A RESILIENT ECONOMY	COUNCIL'S PROPOSED SUBTOPICS
3.1 Purpose (excluding issues 2 and 4)	Subtopic 1 Visitor Industry / Tourism / Economic benefits 3.2.1, 3.2.6, 3.2.1.1, 3.2.1.6, 3.2.1.9 and Policy 3.3.1
Strategic Objectives 3.2.1 and 3.2.1.1 - 3.2.1.9 (excluding Strategic Objectives 3.2.1.7 and 3.2.1.8) and 3.2.6	<i>New definition of "Visitor Industry"</i> <i>New Strategic Objectives and Policies falling within this subtopic</i>
Strategic Policies 3.3.1 - 3.3.12	Subtopic 2 Centres approach 3.2.1.2, 3.2.1.3, 3.2.1.4, 3.2.1.5, 3.3.2 – 3.3.12 <i>New Strategic Objectives and Policies falling within this subtopic</i>
	Subtopic 3 Other strategic direction sought to be added

28. For clarity the Council does not seek an amended direction at this stage in respect of the proposed refinements to Strategic Topic 1. The purpose of providing the above table is to allow the parties to provide their comments on it to the Council on 10 August 2018.

Directions sought

29. The Council respectfully seeks amended directions as follows:

29.1 a direction that:

- (a) all appellants included in **Appendix A** and identified as being allocated to Strategic Topic 1, file with the Court and serve on the Council and all relevant section 274 parties, further particulars by 15 August 2018;
- (b) all other further particulars identified in **Appendix A** (excluding those relating to appeal points ENV-2018-CHC-131-037 and ENV-2018-CHC-138-017) are to be filed with the Court and served on the Council and all relevant section 274 parties by 31 August 2018; and

- (c) the further particulars on appeal points ENV-2018-CHC-131-037 and ENV-2018-CHC-138-017 are to be filed with the Court and served on the Council and all relevant section 274 parties by 14 September 2018.

29.2 a direction setting an amended timetable in respect of Strategic Topic 1, as shown in the table at paragraph 24 of this memorandum.

Dated this 2nd day of August 2018



K L Hockly / H L Baillie
Counsel for Queenstown Lakes
District Council

Appendix A

Further particulars sought by Queenstown Lakes District Council

Topic	Appellant	Appeal number and point (Council reference)	Summary of relief sought	Further particulars requested
Strategic Topic 1				
	Trojan Helmet Limited	ENV-2018-CHC-092-001	Amend the higher order strategic chapters, or elsewhere as may be appropriate, by inserting an objective and policy suite that recognises and provides for resort development in appropriate locations in the District, including in the rural areas.	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.
	Queenstown Airport Corporation Limited	ENV-2018-CHC-093-008	Amend Policy 3.2.1.3 or insert new objectives and policies into Chapters 3, 4, 6, 21 and 30 to: (A) enable the continued operation, maintenance and upgrading of regionally significant infrastructure; (B) provide for future development of regionally significant infrastructure; (C) protect existing regionally significant infrastructure from reverse sensitivity effects; (D) recognise and provide for the operational and functional requirements of regionally significant infrastructure; and (E) Recognise that not all effects associated with regionally significant infrastructure can be avoided, remedied or mitigated.	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.
	Ngai Tahu Tourism Limited	ENV-2018-CHC-134-002	Rezone site (SEC 1 SO 23662 SEC 4 SO 23901, PT SEC 3 SO 23901 BLK XIX SHOTOVER SD - Morning Star Beach Recreation Reserve, SEC 133 BLK XIX SHOTOVER SD, LOTS 1-2 DP 25724), and the adjoining road reserve/marginal strip, from Rural General to Rural Visitor. In addition to the rezoning, adopt the operative Rural Visitor Zones provisions for the land, with an amendment to those provisions to	Provide details and wording of any amendments sought to Chapter 3 to facilitate the introduction of the ODP Rural Visitor zone.

Topic	Appellant	Appeal number and point (Council reference)	Summary of relief sought	Further particulars requested
			<p>change the activity status of residential activities from permitted to discretionary.</p> <p>If required, amend Objectives and Policies in Chapter 3 to facilitate the introduction of the ODP Rural Visitor zone.</p> <p>Any alternative, consequential, or necessary amendments to the Rural Visitor Zone prior to its review in Stage 3 which will better achieve the PDP scheme/purpose, and/or site specific issues.</p>	
Strategic Topic 2	Upper Clutha Environmental Society Incorporated	ENV-2018-CHC-056-036	That the PDP reflects in its provisions that there is sufficient land zoned in the Queenstown Lakes District for residential purposes to satisfy population growth until at least 2048 without the need to grant consent for any additional residential capacity in the Rural Zone.	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.
	Upper Clutha Environmental Society Incorporated	ENV-2018-CHC-056-039	That in the two areas where the Society will give landscape evidence in the Court (Dublin Bay/Mount Brown, Waterfall Hill/Waterfall Creek) the Court holds where the Landscape Lines should be situated, and that these lines then appear as solid lines in the PDP.	Provide details as to where the appellant wishes to have the ONL line located.
	Alexander Schrantz and Jayne Schrantz	ENV-2018-CHC-061-007	Amend the location of the Peninsula Hill ONL boundary (Maps 13, 41).	Provide details of where appellant seeks the ONL to be redrawn.
	Otago Regional Council	ENV-2018-CHC-079-001	<p>Chapter 28 - Include objectives, policies or other provisions:</p> <p>(a) for the avoidance and reduction of natural hazard risks</p>	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.

Topic	Appellant	Appeal number and point (Council reference)	Summary of relief sought	Further particulars requested
Strategic Topic 2	Otago Regional Council	ENV-2018-CHC-079-002	Chapter 28 - Include objectives, policies or other provisions: (b) applying a precautionary approach to natural hazard risk	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.
	Otago Regional Council	ENV-2018-CHC-079-003	Chapter 28 - Include objectives, policies or other provisions: (c) identifying where risk is intolerable to the community (e) recognising that natural hazard risk, including residual risk, which is intolerable to the community must be avoided, now and into the future	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.
	Otago Regional Council	ENV-2018-CHC-079-004	Chapter 28 - Include objectives, policies or other provisions: (d) identifying when a proposal should be declined because there is a risk from natural hazard	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.
	Otago Regional Council	ENV-2018-CHC-079-005	Chapter 28 - Include objectives, policies or other provisions: (f) recognising ongoing maintenance measures to avoid or mitigate natural hazard risk should not be funded by the wider community	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.
	Queenstown Airport Corporation Limited	ENV-2018-CHC-093-015	Amend Policies 6.3.12, 6.3.17, 6.3.18, 6.3.19, 6.3.24, 6.2.25, 6.2.26 to: (A) better recognise the hierarchy and terminology set out in Part 2 of the Act; and	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.

Topic	Appellant	Appeal number and point (Council reference)	Summary of relief sought	Further particulars requested
			(B) give effect to the Proposed Regional Policy Statement and more specifically, the land use management framework established for Regionally Significant Infrastructure.	
	Halfway Bay Lands Limited	ENV-2018-CHC-119-003	Amend the objectives and policies in Chapter 6 to recognise and provide for the significant benefits of tourism and associated industry.	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.
	Slopehill Properties Ltd	ENV-2018-CHC-129-004	<p>Amend the objectives and policies in Chapter 3 or introduce new objectives and policies to ensure that rural living opportunities are provided for outside Outstanding Natural Landscapes and Features. Amend the objectives and policies in Chapter 3 or introduce new objectives and policy to:</p> <ul style="list-style-type: none"> i. Enables appropriate, non-urban, residential activity in rural areas ii. Encourages subdivision, use or development to occur in those areas which have potential to absorb change iii. Clarify that subdivision, use and development of the rural environment outside ONLFs should occur in a way that maintains or enhances amenity values and landscape quality – not “protect” significant amenity values. iv. Recognise that the Rural Landscape is a resource with significant economic and social value. v. Recognise that different parts of the Rural Landscape have different characteristics, different amenity values and variable ability to absorb further development. vi. Enable subdivision and development which avoids, remedies or mitigates adverse effects on the visual amenity values of the surrounding Rural Landscape. 	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.

Topic	Appellant	Appeal number and point (Council reference)	Summary of relief sought	Further particulars requested
			vii. Mitigate adverse effects from subdivision and development that are: Highly visible from public places restoration and conservation; or be consistent with the established character of the area; and provide for planting and screening to help reduce visual effects of domestication.	
	Private Property Limited	ENV-2018-CHC-130-007	<p>Amend the objectives and policies in Chapter 3 to ensure that rural living opportunities are provided for in the Wakatipu Basin, including within Outstanding Natural Landscapes and Features.</p> <p>Amended or new objectives and policies should:</p> <ul style="list-style-type: none"> i. Enable appropriate, non-urban, residential activity in rural areas, including within ONFLs ii. Provide for subdivision, use or development where it can be demonstrated as having the potential to absorb change iii. Clarify that subdivision, use and development of ONFLs can occur if it maintains or enhances landscape values. iv. Recognise that different parts of the Rural Zone have different characteristics, different amenity values and variable ability to absorb further development. v. Provide for Rural Living development that is demonstrated as being consistent with the established character of the subject area. <p>Or introduce new objectives and policies to ensure that rural living opportunities are provided for in the Wakatipu Basin, including within Outstanding Natural Landscapes and Features</p>	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.

Topic	Appellant	Appeal number and point (Council reference)	Summary of relief sought	Further particulars requested
	Real Journeys Limited	ENV-2018-CHC-131-037	Extract provisions relating to the protection, use and development of the surface of lakes and rivers and their margins, and insert them into a specific chapter that focuses on development and activities carried out on the surface of water and within the margins of waterways.	Details of any amendments to Chapters 3 and/ or 6 that would be necessary to accommodate the relief sought.
	Real Journeys (trading as Go Orange Limited)	ENV-2018-CHC-138-017	Extract provisions relating to the protection, use and development of the surface of lakes and rivers and their margins, and insert them into a specific chapter that focuses on development and activities carried out on the surface of water and within the margins of waterways.	Details of any amendments to Chapters 3 and/or 6 that would be necessary to accommodate the relief sought.
	M & C Burgess	ENV-2018-CHC-136-005	<p>Amend the objectives and policies in Chapter 3 or introduce new objectives and policies to ensure that rural living opportunities are provided for outside Outstanding Natural Landscapes and Features.</p> <p>Amend the objectives and policies in Chapter 3 or introduce new objectives and policy to:</p> <ul style="list-style-type: none"> i. Enables appropriate, non-urban, residential activity in rural areas ii. Encourages subdivision, use or development to occur in those areas which have potential to absorb change iii. Clarify that subdivision, use and development of the rural environment outside ONLFs should occur in a way that maintains or enhances amenity values and landscape quality – not “protect” significant amenity values. iv. Recognise that the Rural Landscape is a resource with significant economic and social value. v. Recognise that different parts of the Rural Landscape have different characteristics, different amenity values and variable ability to absorb further development. 	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.

Topic	Appellant	Appeal number and point (Council reference)	Summary of relief sought	Further particulars requested
	Friends of Wakatipu Gardens	ENV-2018-CHC-098-003	Add new objectives to Chapter 3 which recognise the protection of culture, the need for quality and integrated urban design planning, and the importance of residential amenity	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.
	Darby Planning Limited	ENV-2018-CHC-150-021	New objectives and policies sought Further amendments may be required to chapter 4 to give effect to the NPS Urban Development Capacity and its implementation through the proposed RPS (Which post-dates decisions on the PDP). Scope is reserved in respect of specific relief to give effect to these higher order instruments as required. Consequentially amend Chapter 4 by including further provisions which give effect to the NPS-UDC and its implementation in the proposed RPS.	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.
Strategic Topic 4	Queenstown Airport Corporation Limited	ENV-2018-CHC-093-010	Amend Objective 3.2.4, Objective 3.2.5, Objective 3.2.5.1, Objective 3.2.5.2, Policy 3.3.25, Policy 3.3.30 and Policy 3.3.32 to: (A) better recognise the hierarchy and terminology set out in Part 2 of the Act; and (B) give effect to the Proposed Regional Policy Statement and more specifically, the land use management framework established for Regionally Significant Infrastructure.	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.
	Royal Forest and Bird Protection Society of New Zealand Inc	ENV-2018-CHC-133-002	3.3.17: Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, referred to as Significant Natural Areas through scheduling them on the District Plan maps, or through resource consent processes and ensure their protection	Amendments to the objective have not been marked up. Provide details of the amendments sought to the objective.

Topic	Appellant	Appeal number and point (Council reference)	Summary of relief sought	Further particulars requested
Strategic Topic 4	Royal Forest and Bird Protection Society of New Zealand Inc	ENV-2018-CHC-133-017	Amend 33.2.1.1 as follows: Identify <u>and protect</u> the District's Significant Natural Areas and schedule them in the District Plan, including the ongoing identification <u>and protection</u> of Significant Natural Areas through resource consent applications, using the criteria set out in Policy 33.2.1.8, <u>the list of threatened species in Part 33.7, and threatened land environments shown in Part 33.9.</u>	Amendments appear to be to notified text rather than decisions version text. Appellant to provide details of the amendments sought using marked up changes to the decisions version text.
	Royal Forest and Bird Protection Society of New Zealand Inc	ENV-2018-CHC-133-018	Amend Policy 33.2.1.2 as follows: Provide standards in the District Plan for <u>the protection maintenance and enhancement of</u> indigenous vegetation that is not identified as a Significant Natural Area or threatened species, which are practical to apply and that permit the removal <u>clearance</u> of a limited area of indigenous vegetation <u>in specified circumstances.</u>	Amendments appear to be to notified text rather than decisions version text. Appellant to provide details of the amendments sought using marked up changes to the decisions version text.
	Royal Forest and Bird Protection Society of New Zealand Inc	ENV-2018-CHC-133-020	Notified policy 33.2.1.5 Recognise anticipated activities in rural areas such as farming and the efficient use of land and resources while having regard to however <u>these must be undertaken in a way that protects the significant indigenous vegetation and habitats of indigenous fauna and maintains and enhances indigenous biodiversity.</u> The maintenance, protection or enhancement of indigenous biodiversity values.	Confirm that the relief sought is for the policy to be reinstated and amended as set out.
	Royal Forest and Bird Protection Society of New Zealand Inc	ENV-2018-CHC-133-021	Policy 33.2.1.6 This policy is inconsistent with the objective and policies in Chapter 33. If the ecosystem or habitat cannot be avoided, adverse effects are managed by avoiding significant adverse effects. Where adverse effects are not significant:	Relief sought is unclear. Appellant to provide details of the relief sought using marked up changes to the decisions version text.

Topic	Appellant	Appeal number and point (Council reference)	Summary of relief sought	Further particulars requested
Strategic Topic 4			<p>a. they are avoided in the first instance;</p> <p>b. where they cannot be avoided, they are remedied;</p> <p>c. where they cannot be remedied they are mitigated; and</p> <p>d. where residual adverse effects remain, and cannot be mitigated they are offset.</p>	
	Royal Forest and Bird Protection Society of New Zealand Inc	ENV-2018-CHC-133-024	<p>Policy 33.2.2.2</p> <p>Allow the clearance of indigenous vegetation within Significant Natural Areas and other areas that meet the criteria in Policy 33.2.1.8 only:</p> <p>a. in exceptional circumstances; and</p> <p>b. in circumstances where significant adverse effects are avoided;</p> <p>c. where adverse effects are not significant, adverse effects are avoided remedied or mitigated so that the significant indigenous biodiversity values of the areas are retained</p>	Relief sought is unclear. Appellant to provide details of the relief sought using marked up changes to the decisions version text.
To be allocated in Council's memorandum of 24 August 2018	Queenstown Airport Corporation Limited	ENV-2018-CHC-093-032	<p>That Chapter 21 – Rural Zone of the Proposed Plan is amended as follows:</p> <p>(i) Amend Assessment Matters 21.21.1 to:</p> <p>(A) better recognise the hierarchy and terminology set out in Part 2 of the Act; and</p> <p>(B) give effect to the Proposed Regional Policy Statement and more specifically, the land use management framework established for Regionally Significant Infrastructure.</p>	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.

Topic	Appellant	Appeal number and point (Council reference)	Summary of relief sought	Further particulars requested
To be allocated in Council's memorandum of 24 August 2018	Te Anau Developments Limited	ENV-2018-CHC-106-008	Amend Chapter 30 provisions to exclude tourism activities within rural visitor zone. Ensure that utilities required in the operation of tourism activities is enabled and provided for by amending the chapter 30 provisions to exclude tourism activities within rural visitor zones. All provisions in Chapter 30 be amended as required to ensure the development, operation, maintenance and upgrading of energy, utilities and infrastructure related to tourism activities are specifically enabled or provided for as permitted, controlled, restricted discretionary or discretionary.	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.
	Te Anau Developments Limited	ENV-2018-CHC-106-009	Amend rule 30.5.6.8 to increase the permitted diameter of circular dishes (telecommunications) to a minimum of 2m Amend Rule 30.5.6.8 as follows: Provided that for panel antennas the maximum width is 0.7m <u>1.8m</u>	Confirm whether the diameter sought is 2m or 1.8m.
	Te Anau Developments Limited	ENV-2018-CHC-106-010	Amend Rule 30.4.13.4 to exclude earthworks and trenching associated with the installation of any telecommunication and radio communication facility, navigation or meteorological communication facility.	The relief refers to the notified rule. Appellant to confirm the decisions version rule subject to the appeal point.
	Te Anau Developments Limited	ENV-2018-CHC-106-023	Table 1 - Provide for existing operations at Walter Peak Amend rule so that the noise limits are measured as Lmax, not Ldn. Also amend rule so that non-conformance is a discretionary activity, not a non-complying activity specific to the Walter Peak Rural Visitor Zone	Relief refers to Table 1. However, Table 1 does not include noise limits. Appellant to confirm which rule(s) the relief relates to.

Topic	Appellant	Appeal number and point (Council reference)	Summary of relief sought	Further particulars requested
To be allocated in Council's memorandum of 24 August 2018	Cardrona Alpine Resort Limited	ENV-2018-CHC-117-021	Amend Rule 30.4.13.4 to exclude earthworks and trenching associated with the installation of any telecommunication and radio communication facility, navigation or meteorological communication facility.	The relief refers to the notified rule. Appellant to confirm the decisions version rule subject to the appeal point.
	Queenstown Park Limited	ENV-2018-CHC-127-002	Amend definition of "Passenger Lift Systems" to include facilities associated with Gondola systems.	Clarify relief sought by providing marked up version of the decision text or further explanation as to what is meant by 'facilities associated with Gondola systems.'
	Real Journeys Limited	ENV-2018-CHC-131-076	Delete assessment matters 21.21 Otherwise amend to reflect higher order provisions	Provide details of amendments sought to 21.21 to reflect higher order provisions.
	Royal Forest and Bird Protection Society of New Zealand Inc	ENV-2018-CHC-133-006	Objective 21.2.8 Avoid subdivision and development in areas that are identified as being unsuitable for development.	Relief sought is unclear. Provide details of the amendments sought using marked up changes to the decisions version text.
	Royal Forest and Bird Protection Society of New Zealand Inc	ENV-2018-CHC-133-009	Amend Policy 21.2.9.2 as follows: Avoid the establishment of commercial, retail, <u>forestry</u> and industrial activities where they would degrade rural quality or character, amenity , <u>nature conservation</u> values, and landscape.	Amendments appear to be to notified text rather than decisions version text. Appellant to provide details of the amendments sought using marked up changes to the decisions version text.
	Royal Forest and Bird Protection Society of New Zealand Inc	ENV-2018-CHC-133-010	Amend Policy 21.2.1.12 as follows: Avoid the establishment of commercial, retail, forestry and industrial activities where they would degrade rural quality or character, amenity, nature conservation	Amendments appear to be to notified text rather than decisions version text. Appellant to provide details of the amendments sought using

Topic	Appellant	Appeal number and point (Council reference)	Summary of relief sought	Further particulars requested
To be allocated in Council's memorandum of 24 August 2018			values, and landscape.	marked up changes to the decisions version text.
	Royal Forest and Bird Protection Society of New Zealand Inc	ENV-2018-CHC-133-014	Amend Objective 22.2.1 as follows: Maintain and enhance the district's landscape quality, character and visual amenity <u>and nature conservation</u> values while enabling rural living opportunities in areas that can avoid detracting from those landscapes.	Amendments appear to be to notified text rather than decisions version text. Appellant to provide details of the amendments sought using marked up changes to the decisions version text.
	Republic Hospitality Group Limited	ENV-2018-CHC-135-001	Extend the eastern boundary of the Town Centre Entertainment Precinct to the western Church Street road boundary, by amending maps 35 and 36. Amend provisions, as required, in the Queenstown Town Centre Zone (Chapter 12) so that the Entertainment Precinct provisions apply to the land between Searle Lane and Church Street.	Provide details of wording and location of provisions that the appellant wishes to have added/ amended.
	Coneburn Preserve Holdings Limited & Others ('Jacks Point')	ENV-2018-CHC-137-024	Amend Activity Rule 41.4.4.4 to enable mining of rock and aggregate and/or gravel for use anywhere in the Jacks Point Zone as a restricted discretionary activity in any Open Space Activity Area (not just the Open Space Golf Activity Area). In the alternative, reinstate the provisions that related to mining in Appendix 1.	Identify the document described to be "Appendix 1" and provide details of the provisions stated to be contained in "Appendix 1."
	Coneburn Preserve Holdings Limited & Others ('Jacks Point')	ENV-2018-CHC-137-035	Amend Activity Standard 41.5.1.1 so that it provides for appropriate average density requirements throughout the residential activity areas in the Jacks Point Zone. In the alternative, reinstate the density rule proposed in Appendix C.	Provide details of wording that the appellant wishes to have added/ amended and confirm the meaning of "appropriate average density requirements."

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To be allocated in Council's memorandum of 24 August 2018	New Zealand Tungsten Mining Limited	ENV-2018-CHC-151-003	<p>Amend definition of "Temporary Activity" by inserting a new fourth bullet point as follows:</p> <p><u>Temporary exploration and prospecting</u></p>	Appeal refers to the notified version of the definition. Clarify whether the appellant seeks that the whole notified definition be reinstated including the underlined text, or simply seeks for the underlined text to be inserted into the decisions version of the definition.
	Boyd & Ors	ENV-2018-CHC-163-001	That the land is rezoned from Rural General to a zone that enables more residential development, including potential development in accordance with a structure plan approach.	Details of the zoning sought for the subject land.