

**BEFORE THE HEARINGS PANEL  
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of Stage 3 of the  
Proposed District Plan

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**SECTION 42A REPORT OF CRAIG BARR  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**CHAPTER 30 VARIATION  
18 March 2020**

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**Appendix 1:** Chapter 30 and variations

**Appendix 2:** Summary of submissions and recommended decisions

## 1. PROFESSIONAL DETAILS

- 1.1 My full name is Craig Alan Barr. I hold the position of principal planner, resource management policy at the Queenstown Lakes District Council (**the Council or QLDC**). My qualifications and experience are set out in my strategic overview evidence dated 18 March 2020.

## 2. INTRODUCTION

- 2.1 In this section 42A report, I provide recommendations to the Hearings Panel on the submissions and further submissions received on the variation to Chapter 30 Energy and Utilities notified as part of Stage 3 of the Proposed District Plan (**PDP**).

- 2.2 A total of thirty-five submission points were received on the variation to Chapter 30. As a result of the relatively low number of submissions, I have structured my evaluation of submissions by way of the particular provision submitted upon, with some general themes discussed at the end of the report.

- 2.3 The key documents I have used, or referred to, in forming my view while preparing this section 42A report are:

- (a) Section 32 evaluation 'Queenstown Lakes Proposed District Plan Section 32 Evaluation, Variation to Proposed District Plan for: Variation to Utilities Chapter 30, Variation to the definition of Regionally Significant Infrastructure' (**S32**);
- (b) PDP Stage 1 & 2 Decision Version;
- (c) My Stage 3 Strategic Evidence (**Strategic Evidence**); and
- (d) Partially Operative Regional Policy Statement 2019 for Otago (**PORPS**).

- 2.4 Changes I recommend to the notified provisions in response to submissions and further submissions are included in **Appendix 1**, which contains marked up text against the notified provisions. My recommendations for accepting or declining submissions are included in **Appendix 2** alongside a summary of the relief sought in the

submissions. My recommendation for accepting or declining further submissions, will stand or fall with the primary submission.

**2.5** I refer to the S32 which contains an overview of the resource management issues identified and an evaluation of the scale and significance and the appropriateness of the proposed objectives and a cost benefit evaluation of the proposed provisions. By way of summary the variation was promulgated to address the following four issues:

- (a) **Issue 1:** The definition of 'Utilities' in the PDP includes activities that are not otherwise provided for in the rule framework. This means that anticipated activities fall as a discretionary activity pursuant to rule 30.5.1.8. The inclusion of all other unspecified utilities as a discretionary activity may not be efficient nor effective.
- (b) **Issue 2:** Rule 30.3.3.3 states that the rules in Chapter 30 take precedence over other rules in the PDP, except earthworks (Chapter 25) and Heritage (Chapter 26). It may not be the most appropriate way to achieve the objectives of the PDP, PORPS and meet Part 2 of the Act if the rules in Chapter 30 prevail over certain rules that manage Section 6 and 7 resources, where these resources are not otherwise managed in Chapter 30. There are circumstances where other PDP chapters provide for certain utilities in a more specific way, being roads (Chapter 29 Transport) and airport activities within the Airport Zones (Chapter 17).
- (c) **Issue 3:** Natural Hazard mitigation works are a utility and while Chapter 25 (Earthworks) provides for earthworks associated with natural hazard mitigation works, including recognition of the functional need for these activities to locate within sensitive environments, the Council have identified that better recognition might be given in Chapter 30 for natural hazard mitigation activities.
- (d) **Issue 4:** Policy 4.3.2 of the PORPS identifies what is 'regionally significant infrastructure' (**RSI**) to the Otago region, and as a result of amendments to PORPS Policy 4.3.2 (made as a consequence of appeals), municipal infrastructure is now included as RSI. It is important that the PDP gives effect to

PORPS Policy 4.3.2 in a way that is the most appropriate for the District.

- 2.6 I consider the identified resource management issues are valid and I support the overall intent of the variation, and the evaluation and reasoning in the S32.

### 3. PURPOSE STATEMENT

- 3.1 The following text, related to Issue 3 (natural hazard mitigation works) is proposed (by the variation) to be added to the purpose statement (30.1):

*Utilities are also required for the purpose of the protection of the community from natural hazards. The provisions in this Chapter address structures and works required for the purpose of natural hazard mitigation, while Chapter 28 (Natural Hazards) focuses on the consequences of subdivision, use and development on, and the natural hazard risk to, those activities.*

- 3.2 Z Energy Limited, BP Oil NZ Limited & Mobil Oil NZ Limited (**The Oil Companies**) (3383) support the distinction between Chapters 28 and 30, and support the proposed introductory text and seek that it is retained as notified.

- 3.3 Wayfare Group Limited (**Wayfare**) (3343) seek that a new clause is inserted to clarify that reference to 'the community' includes individual people and property (i.e. not just the group or the broader community). The submission does not specify exactly where this reference should be made, however I have interpreted this to relate to the new purpose statement text.

- 3.4 The reference to community is also in the opening statement of the definition of Utility, and in particular limb 'h' of that definition which identifies that a utility includes 'structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards'. Proposed Objective 30.2.9 and supporting proposed Policy

30.2.9.2 refer to '*people, property and communities*', while Proposed Policy 30.2.9.1 refers only to '*community*'. Proposed Rule 30.5.1.13 refers only to '*community*', providing a discretionary status for 'structures, facilities, plant, equipment and associated works (..) for the protection of the community from natural hazards (..)'.

**3.5** I consider that the utility provisions generally, including natural hazard mitigation, need not be limited to only a group or the broader community and in this regard concur with the Wayfarer submission. However, a case-by-case approach may be required to distil whether an individual may qualify to utilise the utility provisions. I note that persons undertaking natural hazard mitigation as part of a new land use, subdivision or development are covered by Chapter 28 (Natural Hazards). However, the provision of natural hazard mitigation as a stand-alone activity (i.e. flood management or rock stabilisation not associated with a new land use, subdivision or development proposal) is to my knowledge, more generally undertaken by agencies such as regional councils and local authorities that have a wider responsibility often to the community, to maintain infrastructure such as roading or flood protection devices.

**3.6** For the above reasons I consider that depending on the circumstances an individual could engage with these provisions, but it needs to be for a greater purpose than just the interests of that particular person and I do not consider that reference to an individual should be articulated in the purpose statement. I consider that the guiding provision is the definition of Utility that refers to community. I recommend Wayfare's submission be rejected.

#### **4. OBJECTIVES AND POLICIES**

**4.1** Proposed new objective 30.2.9 and associated policies address Issue 3 (natural hazard mitigation works). Proposed Objective 30.2.9 is:

*Natural hazard mitigation structures and works that are required to reduce risk to people, property, and the community are enabled in a manner that minimises adverse effects on the environment.*

**4.2** The Oil Companies submission supports the objective and seeks that it is retained as notified. The Otago Regional Council (**ORC**) (**3342**) also support Objective 30.2.9 and consider it a helpful addition to recognise the functional need for natural hazard mitigation structures and works within Outstanding Natural Features, Outstanding Natural Landscapes and Rural Character Landscapes.

**4.3** I recommend these submissions be accepted.

**4.4** Policy 30.2.9.1 is:

*Enable the repair and maintenance of natural hazard mitigation structures, facilities, and plant required for the protection of the community.*

**4.5** The Oil Companies and ORC submissions support the Policy and seek that it is retained as notified. I recommend these submissions are accepted.

**4.6** Policy 30.2.9.2 is:

*Provide for natural hazard mitigation structures and works that are required to reduce risk to people, property, and the community while:*

- a. seeking to avoid significant adverse effects;*
- b. where there is no reasonable alternative and avoidance of significant adverse effects is not practicable, remedying or mitigating adverse effects; and*
- c. minimising other adverse effects.*

**4.7** The Oil Companies and ORC submissions support the Policy and seek that it is retained as notified. I recommend these submissions are accepted.

**4.8** Policy 30.2.9.3 is:

*Minimise the displacement of natural hazard risk off-site.*

- 4.9** The Oil Companies submission seeks that the Policy be amended so that it is specific to natural hazard mitigation structures and works. The Oil Companies consider this could be achieved by referring to the displacement resulting from natural hazard mitigation activities, i.e. (amendments shown in underline):

*Minimise the displacement of natural hazard risk off-site that results from natural hazard mitigation structures and works.*

- 4.10** The ORC also generally supports Policy 30.2.9.3 but seeks that the drafting be improved to clarify the intent of the policy as to whether it relates to undertaking natural hazard mitigation or whether it relates to all activities, i.e. including natural hazard avoidance, remediation or mitigation associated with a subdivision, use or development proposal.

- 4.11** The ORC submission requests the following amendment (amendments shown in underline):

*When designing and establishing natural hazard mitigation structures and works ~~to~~ minimise the displacement of natural hazard risk off-site.*

- 4.12** While the relevant objective (30.2.9.3) refers specifically to natural hazard mitigation structures and works, I agree there is merit in clarifying that this policy relates specifically to natural hazard mitigation activities undertaken as a consequence of natural hazard mitigation structures and works. I recommend the following drafting which, while slightly different to that proposed by the Oil Companies and the ORC, achieves the intent of both submissions:

*Minimise the displacement of natural hazard risk off-site that may result from natural hazard mitigation structures and works.*

- 4.13** I consider the addition of the word 'may' provides a more inquisitorial role for the use of the policy, and does not incorrectly predetermine that all natural hazard mitigation structures and works would involve displacement of risk off-site.

**4.14** For the above reasons I recommend the ORC and the Oil Companies submissions be accepted in part.

**4.15** Policy 30.2.9.4 is:

*Encourage natural hazard mitigation structures and works that result in no or low residual risk from natural hazard.*

**4.16** The Oil Companies support the Policy and seek that it be retained as notified.

**4.17** The ORC submission requests the policy be amended (to provide more certainty as to the outcome sought by the policy) however no drafting alternatives are proposed, with the exception that the policy is relocated to Chapter 28 alongside Policy 30.2.5.3. The relocation of Policy 30.2.9.4 is discussed in section 8 below. It is not clear to me which part of Policy 30.2.9.4 is uncertain. I therefore do not recommend any amendments to the policy and in this regard I recommend the submission of ORC be rejected.

**4.18** Policy 30.2.9.5 is:

*Recognise that natural hazard mitigation structures and works may have a functional need to locate within sensitive areas, with the potential for adverse effects on the values of those sensitive areas, including:*

- a. Significant Natural Areas, including other areas that meet the criteria for significance in Policy 33.2.1.8;*
- b. heritage features, heritage precincts, heritage overlay areas and protected trees;*
- c. overlays and zones with special character areas including the Queenstown, Wānaka and Arrowtown town centres and the Arrowtown Residential Historic Management Zone;*
- d. Outstanding Natural Landscapes and Outstanding Natural Features;*
- e. Rural Character Landscapes and other amenity landscapes;*

- f. *lakes, rivers and their margins;*
- g. *Wāhi tūpuna; and*
- h. *Open Space and Recreation Zones.*

**4.19** The ORC supports Policy 30.2.9.5 and seeks that it is retained as notified. I recommend this submission be accepted.

## **5. OTHER PROVISIONS AND RULES**

**5.1** The variation to Rules 30.3.3.1, 30.3.3.3, 30.3.3.4 and 30.3.3.5 relates to Issue 2 (provision for utilities) and read as a suite (~~strike through~~ and underline text reflects the notified variation to PDP text):

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 unless any of the exceptions set out in Rule 30.3.3.3 apply.*

...

30.3.3.3 *The rules contained in this Chapter prevail ~~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.*
- c. *Protected Trees.*
- d. *Indigenous Vegetation and Biodiversity.*
- e. *35 Temporary Activities and Relocated Buildings;*
- f. *36 Noise*
- g. *39 Wāhi Tūpuna.*

30.3.3.4 *Roads are defined as a utility, however the rules in this Chapter do not apply to the construction, management, upgrading or use of Roads or the Transport Network. These activities are managed by Chapter 27 Subdivision and Development and Chapter 29 Transport.*

30.3.3.5 Airports and approach control services are defined as utilities. However, the rules in this Chapter do not apply to Airport Activities within the Airport Zone (Chapter 17). Airport Activities within the Airport Zone are managed in Chapter 17.

**5.2** Transpower New Zealand Limited's **(3080) (Transpower)** submission supports the amendments to Rule 30.3.3 and does not request any amendments. Transpower generally supports the variation in its entirety but has couched its support to this variation to the extent it would not impact on Stage 1 appeals. I note that this is not a matter the Panel are able to make any recommendations on, particularly as the agreed amendments to appeals on Chapter 30 are before the Environment Court awaiting consent orders to be made. I can confirm however that the variation purposefully did not seek to modify any text in Chapter 30 that has been subject to appeals. I am not aware of any Stage 1 appeal being placed on hold as a consequence of this variation. I do not recommend any amendments from Transpower's submission.

**5.3** Aurora Energy Limited **(3153) (Aurora)** submit that they are neutral on the amendments to Rule 30.3.3.1 and support the intent of Rule 30.3.3.3. I note that Aurora's support is dependent upon its submission on Chapter 39 (Wāhi Tūpuna) being accepted. I understand from Ms Sarah Picard's draft s42A report that she does not support the relief sought by Aurora, I also note that Ms Picard has addressed the alternative relief from Aurora seeking that the reference to Chapter 39 (Wāhi Tūpuna) (limb (g) of Rule 30.3.3.3 be removed. I do not recommend any other amendments from the Aurora submission. For clarity, I note that the submission point relating to whether or not the reference to '39 Wāhi Tūpuna' be removed from Rule 30.3.3.3(g), is addressed in Ms Picard's evidence.

**5.4** Queenstown Airport Corporation **(3316) (QAC)** supports Rule 30.3.3.1. QAC seeks Rule 30.3.3.5 be amended so that 'airport related activities', in addition to 'airport activities', (both as defined in the PDP), are not applicable to Chapter 30. QAC's submission is that while it supports, in principle, proposed Rule 30.3.3.5, the rule does not

address the potential duplication of controls relating to ‘airport related activities’. QAC considers that airport related activities also form part of the wider ambit of the airport network utility operation, and it would be appropriate for these activities to be subject to the rules in Chapter 30.

**5.5** As a consequential amendment, QAC seek that the definition of ‘airport related activities’ be amended so that limb (c), which refers to ‘servicing and infrastructure’, be removed. QAC considers that the application of this change is limited (in spatial terms) to Chapter 17 and therefore the Queenstown and Wanaka Airport Zones.

**5.6** The respective PDP definitions of airport activities and airport related activities are:

<p>Airport Activity</p>	<p>Means land used wholly or partly for the landing, departure, and surface movement of aircraft, including:</p> <ul style="list-style-type: none"> <li>a. aircraft operations which include private aircraft traffic, domestic and international aircraft traffic, rotary wing operations;</li> <li>b. aircraft servicing, general aviation, airport or aircraft training facilities and associated offices;</li> <li>c. runways, taxiways, aprons, and other aircraft movement areas;</li> <li>d. terminal buildings, hangars, air traffic control facilities, flight information services, navigation and safety aids, rescue facilities, lighting, car parking, maintenance and service facilities, fuel storage and fueling facilities and facilities for the handling and storage of hazardous substances.</li> </ul>
<p>Airport Related Activity</p>	<p>Means an ancillary activity or service that provides support to the airport. This includes:</p> <ul style="list-style-type: none"> <li>a. land transport activities;</li> <li>b. buildings and structures;</li> </ul>

	<ul style="list-style-type: none"> <li>c. servicing and infrastructure;</li> <li>d. police stations, fire stations, medical facilities and education facilities provided they serve an aviation related purpose;</li> <li>e. retail and commercial services and industry associated with the needs of Airport passengers, visitors and employees and/or aircraft movements and Airport businesses;</li> <li>f. catering facilities;</li> <li>g. quarantine and incineration facilities;</li> <li>h. border control and immigration facilities;</li> <li>i. administrative offices (provided they are ancillary to an airport or airport related activity).</li> </ul>
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**5.7** I accept QAC’s submission that the effects of the overriding nature of Rule 30.3.3.5 would only apply in the Airport Zone (Chapter 17), but even with this limiting factor I am not satisfied that all of the activities identified in the definition of ‘airport related activities’ sit comfortably as a utility (as defined in the PDP) and are at all relevant. For instance, if accepted, the effect of QAC’s submission would be that, activities listed in the definition of ‘airport related activities’, such as police stations or administrative offices, would, in effect, be a utility. It is my view that ‘airport related activities’ as defined are not utilities, and therefore, should not engage with Chapter 30.

**5.8** QAC also submit that if its proposed amendments are not made, the consequence would be that ‘airport related activities’ could be inadvertently captured by various rules in Chapter 30. For these activities to be captured by Chapter 30 they need to fall within the definition of ‘utilities’, and as set out above not all of the activities within the definition of ‘airport related activities’ are utilities. I note that limb (c) of the definition of Airport Related Activities is ‘servicing and infrastructure’, while these could fall within the scope of the definition of Airport, I consider that the reference to infrastructure and servicing is associated with those activities in the definition, and not infrastructure and servicing in the broader sense. For these reasons I

do not support QAC's request to include Airport Related Activities in Rule 30.3.3.1.

**5.9** QAC also seek that the first sentence of Rule 30.3.3.5 be deleted, which states '*Airports and approach control services are defined as utilities*'. I have not identified, through their submission, if this is because QAC considers the words to be unnecessary, or the removal is sought for more substantive reasons. I consider the sentence provides context as to the broad nature of an airport and related approach control surfaces being a utility and consider it should be retained.

**5.10** For the above reasons I do not support QAC's submission in relation to Rule 30.3.3.5 and recommend it be rejected.

## **6. SECTION 30.5 UTILITY RULES**

**6.1** Several new activity rules identified in the variation as Rules 30.5.1.3 to 30.5.1.13<sup>1</sup> (excluding 30.5.1.11) are proposed in relation to Issue 1 (provision for utilities as defined). Proposed Rule 30.5.1.13 is for natural hazard mitigation and relates to Issues 1 and 3.

**6.2** The notified provisions number the proposed new utilities rules 30.5.1.3 – 30.5.1.10, and 30.5.12 to 30.5.13, with cross referencing Rule 30.5.13 referring to Rule 30.5.1.e. My understanding is that the notified provisions should have used an alphabetical reference (i.e. Rule 30.5.1.7 was intended to be 30.5.1.e) so that they did not conflict with any existing rule references in the Decisions Version of Chapter 30. This inadvertent numbering error may be the likely reason as to the ORC's submission that there is no permitted activity rule for natural hazard mitigation.

**6.3** I understand that the reference to Rule 30.5.1.e in proposed Rule 30.5.1.13 is intended to be a cross reference to Rule 30.5.1.7, being

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<sup>1</sup> The report to Council requesting notification of the variation (26 August 2019) identifies these provisions as 30.5.1.a to 30.5.1.h. Rule 30.5.1.13 also refers to Rule 30.5.1.e, which is numbered Rule 30.5.1.7 in the notified provisions.

the maintenance, repair or replacement of existing structures, facilities, plant, equipment and associated works for natural hazard mitigation.

**6.4** The proposed rules are:

<b>30.5.1</b>	<b>General Utility Activities</b>	<b>Activity Status</b>
30.5.1.3	<i>Underground pipes and incidental structures and equipment for transmitting and distributing gas.</i>	<i>P</i>
30.5.1.4	<i>Underground pipes and incidental structures and equipment for the supply and drainage of water or wastewater.</i>	<i>P</i>
30.5.1.5	<i>Water and irrigation races, drains, channels and underground pipes for water and irrigation.</i>	<i>P</i>
30.5.1.6	<i>Structures, facilities, plant, equipment and associated works for monitoring and observation of natural hazards.</i>	<i>P</i>
30.5.1.7	<i>Maintenance, repair or replacement of existing structures, facilities, plant, equipment and associated works for natural hazard mitigation.</i>	<i>P</i>
30.5.1.8	<i>Underground pipes and incidental structures and equipment for the conveyance of stormwater.</i>	<i>P</i>
30.5.1.9	<i>Water, wastewater and stormwater pump stations.</i>	<i>P</i>
30.5.1.10	<p><i>Stormwater detention/retention ponds or stormwater wetlands.</i></p> <p><i>Control is reserved to:</i></p> <ul style="list-style-type: none"> <li><i>a. effects on the use of open space;</i></li> <li><i>b. provision of safe access for maintenance;</i></li> <li><i>c. effects on health and safety;</i></li> <li><i>d. landscaping.</i></li> </ul>	<i>C</i>
30.5.1.12	<p><i>Aboveground pipelines and attached ancillary structures for the conveyance of water, wastewater, stormwater and gas.</i></p> <p><i>Discretion is restricted to:</i></p>	<i>RD</i>

30.5.1	General Utility Activities	Activity Status
	<ul style="list-style-type: none"> <li>a. <i>functional needs of the utility;</i></li> <li>b. <i>visual effects;</i></li> <li>c. <i>Location, limited to the operation and function of the site, existing activities and effects on amenity values;</i></li> <li>d. <i>odour effects.</i></li> </ul>	
30.5.1.13	<i>Structures, facilities, plant, equipment and associated works including earthworks for the protection of the community from natural hazards not otherwise provided for in Rule 30.5.1.e.</i>	D

### Permitted Utilities

**6.5** Wayfare’s submission states that Rule 30.5.1.e is unclear as to what this rule permits. Wayfarer also submit that it is unclear whether underground cabling for the transmission and distribution of telecommunication is permitted; and that if not, it should be.

**6.6** Rule 30.5.1.6 permits structures, facilities, plant, equipment and associated works for monitoring and observation of natural hazards, while Rule 30.5.1.7 permits the maintenance, repair or replacement of existing structures, facilities, plant, equipment and associated works for natural hazard mitigation. I consider that these rules are clear, and that if that particular telecommunication was related to natural hazard monitoring then it is clear that it is also part of the natural hazard mitigation permitted by Rule 30.5.1.6. I recommend Wayfarer’s submission on this matter be rejected because I consider the rule to be clear and no amendments are necessary.

**6.7** Wayfarer’s submission also seeks that structures, facilities, plant, equipment and associated works including earthworks for the protection of the community from natural hazards are permitted. The Wayfarer submission also seeks that Rule 30.5.1.13 is amended from discretionary activity status to controlled or restricted discretionary activity (**RDA**) status. This is somewhat ambiguous as the activities

sought to be permitted at 10.b are the same activities sought to be controlled or RDA at submission point 10.d (3343.11).

**6.8** As discussed above, the intent is that Rules 30.5.1.13 and 30.5.1.7 have a relationship in that Rule 30.5.1.7 permits the '*maintenance, repair or replacement of existing structures, facilities, plant, equipment and associated works for natural hazard mitigation*', while Rule 30.5.1.13 defaults to a discretionary activity status for all other '*structures, facilities, plant, equipment and associated works including earthworks for the protection of the community from natural hazards not otherwise provided for*'<sup>2</sup>. While I do not recommend any substantive amendments the above explanation may assist the intent of Wayfarer's submission.

**6.9** I do not consider either permitted or controlled activity status would be a suitable provision to achieve Objective 30.2.9.3 because, neither permitted or controlled status would provide the Council as a consenting authority the ability ensure Policies 30.2.9.2, 30.2.9.3, 30.2.9.4 and 30.2.9.5 would be implemented. In addition, I consider a controlled activity status would not be appropriate because the scope of Council would be likely to be limited to imposing conditions as to the mitigation of the adverse effects of natural hazard mitigation activities. A permitted or controlled activity status used in this context is inappropriate because it would create an implied assumption that any and all natural hazard mitigation is appropriate in any location and at any scale subject to controlling effects through conditions of consent.

**6.10** I also consider that the matter of assessing potential effects from displacing the natural hazard risk off-site may not be able to be sufficiently addressed through a controlled activity regime. This is because there is potential for situations to arise where displacement is inevitable and an assessment as to whether or not the hazard mitigation is appropriate in that context is necessary. Wayfare's alternative, being the matter of amending the activity status to RDA, is

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2 Decisions version Rule 30.5.1.2 provides for flood protection works as a Discretionary activity. I note that this rule was not appealed to the Environment Court.

discussed below with the submission from ORC, who have also sought RD activity status.

- 6.11** The ORC consider that there is a permitted activity rule missing in relation to *'all earthworks structures, facilities, plant, equipment to manage natural hazards that comply with the Rule 25.4.1'*.
- 6.12** There are two activity rules that permit activities associated with natural hazard mitigation, these are Rule 30.5.1.6 (structures, facilities, plant, equipment and associated works for monitoring and observation of natural hazards), and Rule 30.5.7.1 being the repair and maintenance of existing structures, facilities, plant equipment and associated works for natural hazard mitigation. There is no intention for a permitted rule for natural hazard mitigation beyond what is provided for in Rules 30.5.1.6 and 30.5.1.7.
- 6.13** For these reasons I do not consider any additional permitted activity rules to be necessary or required. I recommend the ORC's submission on this matter be rejected. I note that Rule 30.3.3.1 requires that the Earthworks Chapter 25 applies, and I consider the application of the Earthworks Chapter to provide useful guidance (through policies, rules, matters of discretion and assessment matters) that consider the merit of earthworks associated with natural hazard mitigation. I consider that collectively, Chapter 25 and the variation to Chapter 30 provide an appropriate consenting pathway for natural hazard mitigation activities<sup>3</sup>.
- 6.14** The ORC submission considers that Rule 30.5.1.13 should be a restricted discretionary activity instead of a discretionary activity, and have proposed the following matters of discretion:
- (a) the ability to mitigate effects on:
    - (i) Significant Natural Areas,
    - (ii) heritage features, and heritage overlay areas
    - (iii) Rural Character Landscapes
    - (iv) Outstanding Natural Landscapes and Features;

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<sup>3</sup> Refer Chapter 25, Policies 25.2.1.11 and 25.2.2.1, Rule 25.5.19.2, Matter of Discretion 25.7.1.8 and Assessment Matter 25.8.9. [Web link](#)

- (v) Rural Character Landscapes and other amenity landscapes;
- (vi) Wāhi tūpuna;
- (b) Positive effects on the structures, facility, plant, or equipment to people and communities.

**6.15** The Wayfare submission also requests RDA status for Rule 30.5.1.13 but does not identify any matters of discretion. I consider that discretionary status is the most appropriate for Rule 30.5.1.13 as this provides Council with unfettered discretion to implement the policy framework that sits under Objective 30.2.9. I consider this is particularly important given the variable nature of the type of natural hazard to be managed (for example stop bank erosion from flooding, or wildfire hazard), and given that the proposed policies engage with RMA section 6 and 7 matters, in particular regarding landscapes.

**6.16** I consider the matters of discretion suggested by ORC fall short of the range of issues and matters that could be likely to need to be addressed given the broad nature of natural hazard mitigation and associated works. I make the following observations in particular on the ORC's suggested matters of discretion:

- (a) The matters of discretion identified are more constrained than the policy framework sitting under Objective 30.2.9. The matters of discretion do not refer to displacing natural hazard off-site (Policy 30.2.9.3) and residual risk (Policy 30.2.9.4);
- (b) The matters identified in Policy 30.2.9.5 are not exhaustive. The matters identified in the ORC's restricted discretionary rule do not cover all those aspects identified, let alone address the broader concepts of the location constraint for natural hazard mitigation activities to occur in sensitive environments; and
- (c) The activity status for PDP Decisions Rule 30.5.1.5 (flood protection works) is discretionary, I consider it is important that there is consistency between similar rules.

- 6.17** For these reasons I do not support the ORC or Wayfare’s submissions and recommend these submissions be rejected. I recommend the discretionary activity status for Rule 30.5.1.13 be retained.

**Stormwater ponds/wetlands and bird strike**

- 6.18** QAC are concerned that the proposed amendments to the rules of Chapter 30 may enable the establishment of artificial waterbodies surrounding Wanaka and Queenstown Airports. The potential adverse effects being that such waterbodies could attract birds and if established in close proximity to those airports (or associated flight paths), could pose a potential safety risk to aircraft operations.
- 6.19** QAC seek that Rule 30.5.1.5 be amended, and a new RDA rule added that excludes from Rule 30.5.1.5 ‘*Water and irrigation races, drains and channels located beneath the Aircraft Approach and Land Use Controls Designation at for [sic] Queenstown or Wanaka Airports*’. The sole matter of discretion would be adverse effects on aircraft operations at Queenstown or Wanaka Airports.
- 6.20** QAC also seek that the activity status of Rule 30.5.1.10 be amended to RDA (from controlled) and that adverse effects on aircraft operations at Queenstown or Wanaka Airports are added to the matters of discretion.
- 6.21** I consider that QAC have identified a valid issue. Considering firstly the submission on Rule 30.5.1.10, I have reservations from a transaction cost perspective whether making all such utilities via Rule 30.5.1.10 a RDA, can be justified. In the context of the urban areas where these facilities are likely to be established, and the overall bundling of activities associated with subdivision use and development, RDA may be too onerous; particularly where subdivision related to these activities that complies with a structure plan is a controlled activity.
- 6.22** QAC’s requested amendment to Rule 30.5.1.5 is limited in geographic extent to the Aircraft Approach and Land Use Controls Designations Queenstown and Wanaka Airports. I could support a rule applying a

RDA status to stormwater detention/retention pond or stormwater wetland where these are proposed within the Aircraft Approach and Land Use Controls Designations Queenstown and Wanaka Airports. Such an area is readily identifiable through maps, already part of the PDP, and importantly is far more confined spatially and would result in fewer resource consents and reduced transaction costs.

**6.23** I note that QAC's submission refers to the '*Aircraft Approach and Land Use Controls Designation*' and the submission makes references to Designation 4 (Queenstown Airport) and Designation 65 (Wanaka Airport). Each Designation is accompanied by two maps in the PDP, located in the planning maps sections, that applies over different areas, and labelled as follows:

- (a) Figure 1 Queenstown Airport: Airport Approach and Protection Measures;
- (b) Figure 2: Queenstown Airport: Airport Protection Inner Horizontal and Conical Surfaces;
- (c) Figure 3: Wanaka Airport: Airport Approach & Protection Measures;
- (d) Figure 4: Wanaka Airport: Airport Protection Inner Horizontal and Conical Surfaces.

**6.24** I acknowledge that I am not an expert with regard to airport aircraft approach and protection measures associated with bird strike, my expertise of relevance to this matter is how any regulatory intervention may be most appropriate in section 32 terms. In the absence of any further information from the QAC, Having considered each map and area affected, I recommend that Figure 1 for Queenstown and Figure 3 for Wanaka are adopted. I expect QAC to provide additional commentary on this matter, but in the absence of that, I recommend Figures 1 and 3 are used.

**6.25** This is because those areas in Figures 1 and 3 are a representation of the 'airport approach and protection measures', and affect a smaller area of land than Figures 2 and 4. Adopting designation figures as a proxy for this rule carries the risk that in the future if the designation and related figures are amended through an alteration to the

designation, this would also result in the ambit of the rule being amended. For these reasons I consider a dedicated map is more appropriate. Given the relatively confined nature it may also be appropriate to locate any map as a schedule to Chapter 30, rather than an alteration to the planning maps, which I note for the Frankton Area at least already have no shortage of annotations and overlays.

**6.26** For reference purposes Figures 1-4 are attached at **Appendix 3**.

**6.27** QAC’s submission does not explain why the amendments sought to Rule 30.5.1.5 are only within the confines of the Aircraft Approach and Land Use Controls Designations Queenstown and Wanaka Airports, nor justifies why its requested amendment to Rule 30.5.1.10 should apply district wide. On the basis of the above I recommend QAC’s submission is accepted in part, but that as an alternative to the amendments suggested by QAC in its submission, the matter is addressed by way of a new rule:

<p><u>30.5.1.Z</u></p>	<p><u>Water and irrigation races, drains, channels, stormwater detention/retention ponds or stormwater wetlands within the Airport Approach and Protection Measures at Queenstown and Wanaka Airports, as identified in Figures 1 and Figures 3.</u></p> <p><u>Discretion is restricted to:</u></p> <p><u>a. Bird strike effects on aircraft operations at Queenstown or Wanaka Airports;</u></p> <p><u>Advice Note:</u> <u>The Aircraft Approach and Protection Measures Figures 1 and Figures 3 are located in the Planning Maps.</u></p>	<p><u>RD</u></p>
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**6.28** I do not consider any amendments, including consequential text is necessary to Rules 30.5.1.5 or 30.5.1.10. Both suites of rules (i.e. controlled activity status as notified and the rule addressing QAC’s

submission) would apply with the more specific activity status and matter of discretion restricted to the potential adverse effects on aircraft operations, where relevant to that location and that particular issue.

**6.29** I note that this issue could also present for the District’s third designated airport, the Glenorchy Aerodrome, however I do not consider QAC’s submission to provide jurisdiction to include this airport specifically. On the basis of the above I recommend QAC’s submission on this matter is accepted in part.

**7. DEFINITIONS**

**7.1** The proposed variation to the definition of RSI and the new definition of municipal infrastructure are in relation to Issue 4 (giving effect to PORPS Policy 4.3.2). The decisions versions, version as modified through appeals and Stage 3 amendments to the definition of RSI are:

**Decisions Version PDP definition of RSI**

<b>Regionally Significant Infrastructure</b>	<p>Means:</p> <ul style="list-style-type: none"> <li>a. renewable electricity generation activities undertaken by an electricity operator; and</li> <li>b. the national grid; and</li> <li>c. telecommunication and radio communication facilities; and</li> <li>d. state highways; and</li> <li>e. Queenstown and Wanaka airports and associated navigation infrastructure.</li> </ul>
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**Definition of RSI as agreed by parties to Chapter**

<b>Regionally Significant Infrastructure</b>	<p>Means:</p> <ul style="list-style-type: none"> <li>a. Renewable electricity generation activities undertaken by an electricity operator; and</li> <li>b. The national grid; and</li> <li>c. <u>electricity sub-transmission infrastructure; and</u></li> <li>d. <u>significant electricity distribution infrastructure as shown on the District Plan Maps; and</u></li> <li>e. Telecommunication and radio communication facilities; and</li> <li>f. State highways; and</li> </ul>
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	g. Queenstown and Wanaka airports and associated navigation infrastructure.
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**Stage 3 Variation to definition of RSI and new definition of Municipal Infrastructure:**

<b><i>Regionally Significant Infrastructure</i></b>	<p><i>Means:</i></p> <p>a. <i>[existing text not subject to this variation]</i></p> <p>...</p> <p>g. <i>...; and</i></p> <p><u><i>h. municipal infrastructure.</i></u></p>
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<b><u><i>Municipal infrastructure</i></u></b>	<p><u><i>Means infrastructure owned and operated by the Council for:</i></u></p> <p><u><i>a) Conveyance of untreated water from source to, and including, the point of its treatment to potable standard for an urban environment (see below), but excluding its distribution within that urban environment;</i></u></p> <p><u><i>b) Treatment of wastewater from a reticulated system in an urban environment (see below) and conveyance for its disposal, but excluding its pre-treatment collection within that urban environment;</i></u></p> <p><u><i>c) Treatment of stormwater from a reticulated system in an urban environment (see below) and conveyance for its disposal, but excluding its pre-treatment collection within that urban environment.</i></u></p> <p><u><i>For the purposes of the definition of Municipal infrastructure, urban environment means:</i></u></p>
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	<p>I. <u>All land zoned within Part Three – Urban Environment, comprising Chapters 7 to 17 inclusive and Chapter 44 (Coneburn Industrial Zone).</u></p> <p>II. <u>Any Open Space and Recreation Zone located within an Urban Growth Boundary identified on the Plan maps.</u></p> <p>III. <u>Jacks Point Zone Chapter 41.</u></p>
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**7.2** The Oil Companies submission opposes the definition of RSI and request it be amended so that it is consistent with the de-facto definition provided in Policy 4.3.2 of the PORPS. I note that the only amendment through the variation was to add municipal infrastructure and I question whether there is jurisdiction to add additional matters that are unrelated to the definition of RSI.

**7.3** PORPS Policy 4.3.2 and the full suite of matters sought to be included by The Oil Companies is:

***Policy 4.3.2 Nationally and regionally significant infrastructure***

*Recognise the national and regional significance of all of the following infrastructure:*

- (a) Renewable electricity generation activities, where they supply the National Grid or local distribution network;
- (b) National Grid;
- (c) Electricity sub-transmission infrastructure;
- (d) Telecommunication and radio communication facilities;
- (e) Roads classified as being of national or regional importance;
- (f) Ports and airports and associated navigation infrastructure;
- (g) Defence facilities;
- (h) Rail infrastructure;
- (i) Municipal infrastructure.

**7.4** I consider that the PDP definition of RSI, as sought to be varied is consistent with PORPS Policy 4.3.2 as it relates to the Queenstown Lakes District context. Those differences between PORPS Policy 4.3.2 and the PDP definition of RSI being:

- (a) the omission of rail and ports, because these do not exist in this District;
- (b) the reference to roads of regional or national significance as State Highways; and
- (c) the reference to Queenstown and Wanaka Airports instead of airports generically.

**7.5** The matter of adopting (then proposed) PORPS Policy 4.3.2 as a definition came about by way of submissions on the PDP in Stage 1 and the Hearings Panel<sup>4</sup>, and these parts of the definition of RSI were not appealed.

**7.6** For these reasons I do not support the amendments sought by the Oil Companies and recommend the submission point be rejected.

## **8. OTHER MATTERS**

Wayfare seek that underground telecommunication services including associated earthworks are permitted. I do not consider this submission to fall within the jurisdiction of the variation. Neither the S32, nor proposed amendments to Chapter 30 amend Chapter 30 as it relates to telecommunications. For this reason, I recommend the Panel strike out the submission under section 41D of the RMA.

**8.1** Wayfare also request '*Insert additional matter of discretion for Restricted Discretionary activities to ensure "positive effects" of the activity are to be considered*' There are not any RDA rules proposed, or supported associated with this variation. In addition, I consider this to be unnecessary because natural hazard mitigation works are inherently positive in that they provide for the wellbeing of people, property and communities as expressed in proposed Objective 30.2.9. The variation recognises this by providing for natural hazard mitigation activities while balancing environmental considerations, particularly the effects of natural hazard mitigation in sensitive environments. I

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<sup>4</sup> Report and Recommendations of Independent Commissioners Regarding Chapter 3, Chapter 4 and Chapter 6. Dated 16 March 2108, at [784]. [\[web link\]](#).

consider that the intent of the submission is already achieved and for these reasons I recommend this relief be rejected.

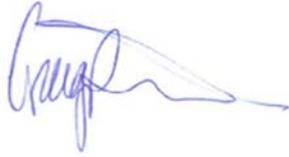
**8.2** ORC's submission makes the observation that Policies 30.2.9.1, 30.2.9.2 and 30.2.9.5 all relate to provision for construction, repair or maintenance of natural hazards mitigation structures and works, particularly in sensitive locations. While in contrast Policies 30.2.9.3 and 30.2.9.4 relate to the design of natural hazard mitigation. ORC suggest that Policies 30.2.9.3 and 30.2.9.4 may be better located within Chapter 28 (Natural Hazards). I agree that Policies 30.2.9.4 and 30.2.9.5 are broad concepts equally relevant to Chapter 28, however at the time of preparing and notifying this variation the entirety of Chapter 28 was before the Environment Court awaiting consent orders to be made. I understand the Council were reluctant to initiate a variation to that Chapter, which may have caused delays to the advancement of Chapter 28 through the Schedule 1 process. I also doubt whether there is jurisdiction to simply relocate these policies into another chapter in the PDP.

**8.3** I do note however that the amendments to Chapter 28 (agreed through Environment Court mediation), that await consent orders include new Policy 28.3.1.1 that considers the effects of the displacement of risk. Policy 28.3.1.1 and Policy 30.2.9.3 are complementary to each other and give effect to PORPS Policy 4.1.10.

**8.4** For the above reasons I recommend the ORC's submission is rejected.

## **9. CONCLUSION**

**9.1** On the basis of the analysis set out in this report, I recommend that the changes in **Appendix 1** be accepted by the Hearing Panel, and that submission points are accepted or rejected by the Hearing Panel as set out in **Appendix 2**.



Craig Barr

**18 March 2020**

**APPENDIX 1**  
**Recommended Chapter 30 Variation**

# ENERGY AND UTILITIES 30

## Variation to Energy and Utilities Chapter 30

Key:

Black underline text identifies new text and ~~strike through~~ text are the notified variation text.

Red underline text identifies text and ~~red strike through~~ text are the recommended amendments S42A report.

*[text in square brackets and italics is for information purposes only]*

## 30 Energy and Utilities

### Purpose

30.1.1 Energy *[Not subject to this variation]*

30.1.2 Utilities

*[Add the following text after the third paragraph]*

Utilities are also required for the purpose of the protection of the community from natural hazards. The provisions in this Chapter address structures and works required for the purpose of natural hazard mitigation, while Chapter 28 (Natural Hazards) focuses on the consequences of subdivision, use and development on, and the natural hazard risk to, those activities.

### 30.2 Objectives and Policies

#### Utilities

*[Add the following objective and five policies]*

**30.2.9 Objective – Natural hazard mitigation structures and works that are required to reduce risk to people, property, and the community are enabled in a manner that minimises adverse effects on the environment.**

#### Policies

30.2.9.1 Enable the repair and maintenance of natural hazard mitigation structures, facilities, and plant required for the protection of the community.

30.2.9.2 Provide for natural hazard mitigation structures and works that are required to reduce risk to people, property, and the community while:

- a. seeking to avoid significant adverse effects;
- b. where there is no reasonable alternative and avoidance of significant adverse effects is not practicable, remedying or mitigating adverse effects; and
- c. minimising other adverse effects.

## ENERGY AND UTILITIES 30

30.2.9.3 Minimise the displacement of natural hazard risk off-site that may result from natural hazard mitigation structures and works.

Commented [CB1]: 3342, 3383.

30.2.9.4 Encourage natural hazard mitigation structures and works that result in no or low residual risk from natural hazard.

30.2.9.5 Recognise that natural hazard mitigation structures and works may have a functional need to locate within sensitive areas, with the potential for adverse effects on the values of those sensitive areas, including:

- a. Significant Natural Areas, including other areas that meet the criteria for significance in Policy 33.2.1.8;
- b. heritage features, heritage precincts, heritage overlay areas and protected trees;
- c. overlays and zones with special character areas including the Queenstown, Wānaka and Arrowtown town centres and the Arrowtown Residential Historic Management Zone;
- d. Outstanding Natural Landscapes and Outstanding Natural Features;
- e. Rural Character Landscapes and other amenity landscapes;
- f. lakes, rivers and their margins;
- g. Wāhi tūpuna; and
- h. Open Space and Recreation Zones.

### 30.3 Other Provisions and Rules

30.3.1 *[Not subject to this variation]*

30.3.2 *[Not subject to this variation]*

#### 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 unless any of the exceptions set out in Rule 30.3.3.3 apply.

30.3.3.2 *[Not subject to this variation]*

30.3.3.3 The rules contained in this Chapter ~~prevail 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.
- c. Protected Trees.
- d. Indigenous Vegetation and Biodiversity.
- e. 35 Temporary Activities and Relocated Buildings;
- f. 36 Noise
- g. 39 Wāhi Tūpuna.

## ENERGY AND UTILITIES 30

30.3.3.3a Roads are defined as a utility, however the rules in this Chapter do not apply to the construction, management, upgrading or use of Roads or the Transport Network. These activities are managed by Chapter 27 Subdivision and Development and Chapter 29 Transport.

30.3.3.3b Airports and approach control services are defined as utilities. However the rules in this Chapter do not apply to Airport Activities within the Airport Zone (Chapter 17). Airport Activities within the Airport Zone are managed in Chapter 17.

### 30.4 Energy Rules *[Not subject to this variation]*

### 30.5 Utility Rules

30.5.1	General Utility Activities	Activity Status
<u>30.5.1.3</u>	<u>Underground pipes and incidental structures and equipment for transmitting and distributing gas.</u>	P
<u>30.5.1.4</u>	<u>Underground pipes and incidental structures and equipment for the supply and drainage of water or wastewater.</u>	P
<u>30.5.1.5</u>	<u>Water and irrigation races, drains, channels and underground pipes for water and irrigation.</u>	P
<u>30.5.1.6</u>	<u>Structures, facilities, plant, equipment and associated works for monitoring and observation of natural hazards.</u>	P
<u>30.5.1.7</u>	<u>Maintenance, repair or replacement of existing structures, facilities, plant, equipment and associated works for natural hazard mitigation.</u>	P
<u>30.5.1.8</u>	<u>Underground pipes and incidental structures and equipment for the conveyance of stormwater.</u>	P
<u>30.5.1.9</u>	<u>Water, wastewater and stormwater pump stations.</u>	P
<u>30.5.1.10</u>	<u>Stormwater detention/retention ponds or stormwater wetlands.</u>  <u>Control is reserved to:</u> a. <u>effects on the use of open space;</u> b. <u>provision of safe access for maintenance;</u> c. <u>effects on health and safety;</u> d. <u>landscaping.</u>	C
<u>30.5.1.12</u>	<u>Aboveground pipelines and attached ancillary structures for the conveyance of water, wastewater, stormwater and gas.</u>  <u>Discretion is restricted to:</u> a. <u>functional needs of the utility;</u> b. <u>visual effects;</u>	RD

## ENERGY AND UTILITIES 30

30.5.1	General Utility Activities	Activity Status
	<p>c. <u>Location, limited to the operation and function of the site, existing activities and effects on amenity values;</u></p> <p>d. <u>odour effects.</u></p>	
<u>30.5.1.Z</u>	<p><u>Water and irrigation races, drains, channels, stormwater detention/retention ponds or stormwater wetlands within the Airport Approach and Protection Measures at Queenstown and Wanaka Airports, as identified in Figures 1 and Figures 3.</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Bird strike effects on aircraft operations at Queenstown or Wanaka Airports;</u></p> <p><u>Advice Note:</u></p> <p><u>The Aircraft Approach and Protection Measures Figures 1 and Figures 3 are located in the Planning Maps.</u></p>	RD
<u>30.5.1.13</u>	<p><u>Structures, facilities, plant, equipment and associated works including earthworks for the protection of the community from natural hazards not otherwise provided for in Rule 30.5.1.e.</u></p>	D

Commented [CB2]: 3316

### Variation to Chapter 2 Definitions:

<b>Regionally Significant Infrastructure</b>	<p>Means:</p> <p>a. <i>[existing text not subject to this variation]</i></p> <p>...</p> <p>g. ... ; and</p> <p>h. <u>municipal infrastructure.</u></p>
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<b>Municipal infrastructure</b>	<p>Means infrastructure owned and operated by the Council for:</p> <p>a) <u>Conveyance of untreated water from source to, and including, the point of its treatment to potable standard for an urban environment (see below), but excluding its distribution within that urban environment;</u></p>
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## ENERGY AND UTILITIES 30

	<p><u>b) Treatment of wastewater from a reticulated system in an urban environment (see below) and conveyance for its disposal, but excluding its pre-treatment collection within that urban environment;</u></p> <p><u>c) Treatment of stormwater from a reticulated system in an urban environment (see below) and conveyance for its disposal, but excluding its pre-treatment collection within that urban environment.</u></p> <p><u>For the purposes of the definition of Municipal infrastructure, urban environment means:</u></p> <ul style="list-style-type: none"><li>I. <u>All land zoned within Part Three – Urban Environment, comprising Chapters 7 to 17 inclusive and Chapter 44 (Coneburn Industrial Zone).</u></li><li>II. <u>Any Open Space and Recreation Zone located within an Urban Growth Boundary identified on the Plan maps.</u></li><li>III. <u>Jacks Point Zone Chapter 41.</u></li></ul>
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## **APPENDIX 2**

### **Summary of submissions and recommended decision**

No.	Organisation	On Behalf Of	Point No.	Position	Submission Summary	Provision	Planner Recommendation
3080	AM Consulting	Transpower New Zealand Limited	3080.2	Support	That the provisions of Chapter 30 be retained as notified, or in a manner that does not impact State 1 appeals.	2.1-Variation to Chapter 30 Energy and Utilities	Accept
3080	AM Consulting	Transpower New Zealand Limited	3080.3	Support	That 30.3.3 is retained as notified.	2.1.3-30.3 Other Provisions and Rules	Accept
3153	Galloway Cook Allan Lawyers Dunedin	Aurora Energy Limited	3153.12	Oppose	That, if the relief in submission point 3153.23 is accepted, Rule 30.3.3.1 be retained as notified. If the relief in submission point 3153.22 is not accepted, amend Rule 30.3.3.1 by rejecting the notified additional text ("unless any of the exceptions set out in Rule 30.3.3.3 apply").	2.1.3-30.3 Other Provisions and Rules	Refer to Wahi Tupuna Chapter 39 S42a.
3316	Mitchell Daysh Limited	Queenstown Airport Corporation	3316.23	Support	That Rule 30.3.3.1 is retained as notified	2.1.3-30.3 Other Provisions and Rules	Reject
3316	Mitchell Daysh Limited	Queenstown Airport Corporation	3316.24	Oppose	That Rule 30.3.3.5 is amended to read: "The rules in this Chapter do not apply to Airport Activities and Airport Related Activities within the Airport Zone (Chapter 17). Airport Activities and Airport Related Activities within the Airport Zone are Managed by Chapter 17."	2.1.3-30.3 Other Provisions and Rules	Reject
3316	Mitchell Daysh Limited	Queenstown Airport Corporation	3316.25	Oppose	That the words "Except where captured by Rule 30.5.1.1," are inserted at the start of Rule 30.5.1.5.	2.1.4-30.4 and 30.5	Reject
3316	Mitchell Daysh Limited	Queenstown Airport Corporation	3316.26	Oppose	That a new Rule 30.5.1.11 be inserted as follows: "Water and irrigation races, drains and channels beneath the Aircraft Approach and Land Use Controls Designation at the Queenstown or Wanaka Airports" with a Restricted Discretionary Activity Status, where discretion is restricted to: a. Adverse effects on aircraft operations at Queenstown or Wanaka Airports.	2.1.4-30.4 and 30.5	Accept in part
3316	Mitchell Daysh Limited	Queenstown Airport Corporation	3316.27	Oppose	That Rule 30.5.1.10 is amended from a Controlled to a Restricted Discretionary Activity with the matters of discretion as follows: Discretion is restricted to: a. Effects on the use of open space; b. Provision of safe access for maintenance; c. Effects on health and safety d. Landscaping.; e. Adverse effects on aircraft operations at Queenstown or Wanaka Airports.	2.1.4-30.4 and 30.5	Accept in part
3342	Otago Regional Council	Otago Regional Council	3342.65	Support	That Objective 30.2.9 be retained as notified.	2.1.2-30.2 Objectives and Policies	Accept
3342	Otago Regional Council	Otago Regional Council	3342.66	Support	That Policy 30.2.9.1 be retained as notified.	2.1.2-30.2 Objectives and Policies	Accept
3342	Otago Regional Council	Otago Regional Council	3342.67	Support	That Policy 30.2.9.2 be retained as notified.	2.1.2-30.2 Objectives and Policies	Accept
3342	Otago Regional Council	Otago Regional Council	3342.68	Oppose	That Policy 30.2.9.3 be amended to read as follows: When designing and establishing natural hazard mitigation structures and works minimise the displacement of natural hazard risk off-site. Or similar relief that helps to clarify the intent of Policy 30.2.9.3.	2.1.2-30.2 Objectives and Policies	Accept in part
3342	Otago Regional Council	Otago Regional Council	3342.69	Oppose	That Policy 30.2.9.4 be amended to provide more certainty as to the outcome sought by the policy.	2.1.2-30.2 Objectives and Policies	Accept in part
3342	Otago Regional Council	Otago Regional Council	3342.70	Oppose	That Policy 30.2.9.3 be relocated to Chapter 28 (Natural Hazards).	2.1.2-30.2 Objectives and Policies	Reject
3342	Otago Regional Council	Otago Regional Council	3342.71	Oppose	That Policy 30.2.9.4 be relocated to Chapter 28 (Natural Hazards).	2.1.2-30.2 Objectives and Policies	Reject
3342	Otago Regional Council	Otago Regional Council	3342.72	Support	That Policy 30.2.9.5 be retained as notified.	2.1.2-30.2 Objectives and Policies	Accept
3342	Otago Regional Council	Otago Regional Council	3342.73	Oppose	That a new rule 30.5.1x be introduced that provides for all works including all earthworks structures, facilities, plant, equipment to manage natural hazards that comply with Rule 25.4.1 as a permitted activity.	2.1.4-30.4 and 30.5	Reject
3342	Otago Regional Council	Otago Regional Council	3342.74	Oppose	That Rule 30.5.1.13 be amended to have restricted discretionary activity status and to read as follows: Works including all earthworks structures, facilities, plant, equipment, to manage natural hazards not otherwise provided for in Rule 30.5.1.x Discretion is restricted to: a. the ability to mitigate the effects on the following overlays: i. Significant Natural Areas; ii. Heritage Features and Heritage Overlay Areas; iii. Rural Character	2.1.4-30.4 and 30.5	Reject
3343		WAYFARE GROUP LIMITED	3343.6	Oppose	That utilities and works which protect people and property from natural hazard risk are significant physical resources and should be provided for.	2.1-Variation to Chapter 30 Energy and Utilities	Accept in part
3343		WAYFARE GROUP LIMITED	3343.7	Oppose	That Rule 30.5.1.e be clearer in stating what it permits.	2.1.4-30.4 and 30.5	Reject
3343		WAYFARE GROUP LIMITED	3343.8	Oppose	That a new clause is inserted to clarify that reference to 'the community' includes individual people and property (i.e. not just the group or the broader community).	2.1.3-30.3 Other Provisions and Rules	Reject
3343		WAYFARE GROUP LIMITED	3343.9	Oppose	That structures, facilities, plant, equipment and associated works are permitted, including earthworks for the protection of the community from natural hazards, are permitted.	2.1.3-30.3 Other Provisions and Rules	Accept in part
3343		WAYFARE GROUP LIMITED	3343.10	Oppose	That underground telecommunication services (including associated earthworks) are permitted.	2.1.3-30.3 Other Provisions and Rules	Reject
3343		WAYFARE GROUP LIMITED	3343.11	Oppose	That the Activity Status of Rule 30.5.1.13 is amended from 'Discretionary' to 'Controlled' or 'Restricted Discretionary'.	2.1.4-30.4 and 30.5	Reject
3343		WAYFARE GROUP LIMITED	3343.12	Oppose	That an additional matter of discretion for Restricted Discretionary Activities is inserted to ensure that 'positive effects' of the activity are considered.	2.1.3-30.3 Other Provisions and Rules	Reject
3383	4Sight Consulting Limited	Z Energy Limited, BP Oil NZ Limited &	3383.11	Support	That Clause 30.1.2 is retained as notified.	2.1.1-Purpose	Accept
3383	4Sight Consulting Limited	Z Energy Limited, BP Oil NZ Limited &	3383.12	Support	That Objective 30.2.9 be retained as notified.	2.1.2-30.2 Objectives and Policies	Accept
3383	4Sight Consulting Limited	Z Energy Limited, BP Oil NZ Limited &	3383.13	Support	That Policy 30.2.9.1 be retained as notified.	2.1.2-30.2 Objectives and Policies	Accept
3383	4Sight Consulting Limited	Z Energy Limited, BP Oil NZ Limited &	3383.14	Support	That policy 30.2.9.2 be retained as notified.	2.1.2-30.2 Objectives and Policies	Accept
3383	4Sight Consulting Limited	Z Energy Limited, BP Oil NZ Limited &	3383.15	Oppose	That Policy 30.2.9.3 be amended as suggested so that it is specific to natural hazard mitigation structures and works.	2.1.2-30.2 Objectives and Policies	Accept in part
3383	4Sight Consulting Limited	Z Energy Limited, BP Oil NZ Limited &	3383.16	Support	That Policy 30.2.9.4 be retained as notified.	2.1.2-30.2 Objectives and Policies	Accept
3383	4Sight Consulting Limited	Z Energy Limited, BP Oil NZ Limited &	3383.17	Oppose	That the definition of Regionally Significant Infrastructure is amended as suggested so that it is consistent with the de-facto definition provided in Policy 4.3.2 of the Partially Operative Otago Regional Policy Statement.	2.1.5-Variation to Chapter 2 - Definitions	Reject