

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of the Queenstown Lakes
Proposed District Plan

MINUTE IDENTIFYING MATTERS APPROPRIATE FOR VARIATION

1. During the course of hearing the submissions on the text of the District Plan, the Hearing Panel has become aware of a number of matters that require amendment to the PDP, but submissions do not provide scope for such amendments. Among these, several are not particularly controversial, but their being included early would assist the workability of the PDP. We therefore recommend the Council consider variations to the PDP to deal with the matters listed below. We provide brief reasons and explanation for each recommendation.

Definition of "Site"

This matter was raised in Hearing Streams 4 and 6. Ms Banks discussed the issues in her Reply Statement to Stream 6 and suggested a possible solution, accepting that it was beyond scope to implement that solution.

Apply underlying zoning to roads

This was raised with counsel for QLDC at the opening of Hearing Stream 2, and he agreed the wording of Section A Chapter 37 was problematic and required correcting, along with application of underlying zoning to QLDC roads

Definition of "ground level"

The present definition can be problematic when earthworks may have occurred without adequate council records. We recommend a definition that sets a fixed date (when ground levels were known), after which earthworks do not affect the level of the ground.

Define mean sea level as 100m above Otago datum

Where specific heights are listed in the PDP (see for instance notified Rule 12.5.10.3) as being above mean sea level, in some

	instances a height above datum is also included. Without the reference to the datum, mean sea level will change with sea level rise, altering the effect of the relevant height rules.
Amend definition of utility to exclude airport companies operating in the Airport Mixed Use Zone	The potential for conflict between the provisions in Chapter 30 and those in Chapter 17 was highlighted in Hearing Stream 5. While the Airport Company and the Council suggested possible amendments, no submissions provide scope to properly deal with the issue. We recommend a change to the definition, with advice notes concerning the effect of that definition in both chapters.
Correct error in notified Rule 36.7	There was agreement between the experts that the references in the rule to "1-2 ac/hr" should read "0.5 ac/hr". No submissions are available to correct this table.
Definition of "Community Activity"	In her reply to Stream 10, Ms Leith identified that this definition was deficient in excluding such recreation activities as Council aquatic facilities and indoor courts, notwithstanding that the activity involved does fall within what the definition should cover. She identified there was no scope to amend the definition.
Definition of "domestic livestock" and standards covering same	The notified definition is actually a set of standards which are better located in the relevant zones. The drafting also appears to apply residential standards to the Gibbston Character Zone.
Definitions of "antenna" and "mast"	Each of these specifically apply only to telecommunications, whereas other activities such as aircraft navigation and meteorological systems also require antenna and masts.
New subdivision policies regarding the subdivision of residential flats from the	Notified rules 27.4.2c and 27.4.2d exist in a policy vacuum. All rules should sit within a policy framework they implement, particularly

residential unit, and the subdivision of building platforms	those with non complying activity status. Mr Bryce identified the deficiency in his Stream 4 reply (paragraphs 2.19-2.22) and suggested policy wording to fill the gap. It is doubtful that there is scope to include this except by variation.
Policies concerning the application of s.230 of the Act	Notified Rule 27.10.2.1 states that s.230 will be used to determine esplanade reserves, but no policies are provided to guide applications for waivers, reductions in width, taking strips versus reserves, or for the circumstances in which wider reserves may be appropriate.
New policy for subdivision by unit title or cross-lease of existing multi-unit developments	Mr Bryce identified the deficiency in his Stream 4 reply (paragraph 2.5) and suggested a policy to fill the gap. It is doubtful that there is scope to include this except by variation
New policy framework regarding structure plans in Chapter 27	The need for a policy framework identifying among other things, what Structure Plans are, what they must contain, and how they are used within the District Plan is identified in Mr Bryce's Stream 4 reply (Section 9). He also noted that a variation is needed to correct this matter.

For the Hearing Panel



Denis Nugent (Chair)

22 May 2017