

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

Decision No. [2020] NZEnvC 40

IN THE MATTER of the Resource Management Act 1991
AND of appeals under clause 14 of the First
Schedule of the Act
BETWEEN DARBY PLANNING LIMITED
PARTNERSHIP
(ENV-2018-CHC-150)
and all other appellants concerning Topic 1
of Stage 1 of the Proposed Queenstown
Lakes District Plan
(as set out in the Schedule attached)
Appellants
AND QUEENSTOWN LAKES DISTRICT
COUNCIL
Respondent

Court: Environment Judge J J M Hassan
Environment Commissioner K A Edmonds
Environment Commissioner J T Baines

Hearing: at Queenstown on 18, 19, 20, 21, 22 and 25, 26 & 27 February 2019

Appearances: S J Scott and H L Ballie for Queenstown Lakes District Council
M Baker-Galloway, R Giles & H Mahon for FII Holdings Ltd, Friends
of the Wakatipu Gardens and Reserves and Associated Residents
(FOWGR), Te Anau Developments Ltd, Real Journeys Ltd, Ngai
Tahu Tourism Ltd, Real Journeys (t/a Go Orange Ltd), Real Journeys
(t/a Canyon Food and Brew Co), Darby Planning LP, Coneburn
Preserve Holdings Ltd & Others, Glendhu Bay Trustees Ltd,
Universal Developments Ltd, Hansen Family Partnership, Ladies
Mile Consortium, Southern District Health Board, Waterfall Park
Developments
J D K Gardner-Hopkins for Kawarau Jet Services Holdings Ltd
S Anderson for Otago Regional Council
J Leckie for Cardrona Alpine Resort Ltd
R Wolt for Queenstown Airport Corporation & Trojan Helmet Ltd
G Todd & B Gresson for Hogans Gully Farming Ltd
J D Young for Remarkables Park Limited & Queenstown Park
Limited



Date of Decision: 7 April 2020

Date of Issue: 7 April 2020

**SECOND INTERIM DECISION OF THE ENVIRONMENT COURT
Re Topic 1, Stage 1 – ‘A Resilient Economy’**

- A: New Strategic Objectives 3.2.6.1, 3.2.6.2 and 3.2.6.3 are confirmed (with some modifications).
- B: Subject to that, Chapter 3 provisions in Annexure 2 to the first Interim Decision are confirmed.
- C: Directions are made for the respondent to prepare, for approval, explanatory cross-referencing text for inclusion in specified chapters.
- D: Costs are reserved but applications are not encouraged.

REASONS

Introduction

[1] This decision determines some residual matters reserved by the court’s interim decision on Topic 1 – ‘A Resilient Economy’ issued on 5 August 2019 (‘1st Interim Decision’).¹ By way of background, the 1st Interim Decision was the first substantive decision on appeals against the decisions of Queenstown Lakes District Council (‘QLDC’) in Stage I of its partial review of its operative District plan (‘ODP’). According to the topic-based approach to the appeals, it concerned several of the proposed objectives and policies and related provisions in the proposed ODP Chapter 3 (‘Strategic Directions’). The 1st Interim Decision largely confirmed as appropriate a set of amended Ch 3 provisions (included in Annexure 2 to that decision). However, the 1st Interim Decision reserved leave for supplementary submissions to be made on two matters:

¹ *Darby Planning Limited Partnership and others v Queenstown Lakes District Council* [2019] NZEnvC 133.



- (a) the potential inclusion of an additional set of Strategic Objectives ('SOs'), drafting of which was proposed in the 1st Interim Decision (SOs 3.2.6.1, 3.2.6.2, 3.2.6.3); and
- (b) the appropriate approach for any cross-referencing to be made in Chs 3 and 4 and any other relevant chapters (given their inter-relationships) including whether the court should exercise its powers to make directions under s293 of the Resource Management Act 1991 ('RMA').

[2] Submissions on these supplementary matters were made by the following parties:

- (a) the several noted parties represented by Ms Baker-Galloway (to which we refer, for convenience, as 'Darby and others'). One of this group warranting special mention, for reasons which we will come to shortly, is Friends of the Wakatipu Gardens and Reserves and Associated Residents ('FOWGR');²
- (b) Queenstown Airport Corporation Limited ('QAC');³ and
- (c) QLDC which also filed submissions in response to the submissions by the other noted parties.⁴

[3] Except as modified or supplemented by our reasons in this decision, our determinations herein are on the basis of the reasons in the 1st Interim Decision.

SOs 3.2.6.1, 3.2.6.2 and 3.2.6.3

[4] The 1st Interim Decision records the following provisional findings:

- (a) at [122], that SO 3.2.6 be supplemented by a new SO 3.2.6.1 as follows:
SO 3.2.6.1 The importance of accessibility to places, services and facilities that meet the needs of all the residents and communities of the district.

² Supplementary closing legal submissions on behalf of the various parties regarding Strategic Topic 1: A Resilient Economy, dated 19 August 2019.

³ Submissions for QAC in respect of the court's Interim Decision on Strategic Topic 1, Stage I, dated 10 September 2019.

⁴ Supplementary closing legal submissions for QLDC regarding potential new strategic objectives, Strategic Topic 1: A Resilient Economy, dated 19 August 2019 ('QLDC's 19 August submissions'); further closing legal submissions for QLDC in response to new matters raised by FOWGR, Strategic Topic 1: A Resilient Economy, dated 28 August 2019 ('QLDC's 28 August submissions'); legal submissions for QLDC regarding the use of s293, Strategic Topic 1: A Resilient Economy, dated 2 September 2019 ('QLDC's 2 September submissions'); supplementary legal submissions for QLDC regarding the use of s293, dated 12 September 2019 ('QLDC's 12 September submissions').



(b) at [130], that the following additional SOs be included in Ch 3 as follows:

SO 3.2.6.2 A diverse, resilient and well-functioning community where opportunities for arts, culture, recreation and events are integrated into the built and natural environment;

SO 3.2.6.3 The contribution that community social, recreational and cultural facilities and activities make to identity and sense of place for residents of the District is recognised and provided for through sound location and design.

[5] The only parties to make supplementary submissions on those proposed provisions were Darby and others (including FOWGR) and QLDC.

Submissions for Darby and others (including FOWGR)

[6] FOWGR has a particular interest in whether those proposed provisions (or some variation of them) are included in Ch 3. In particular, the 1st Interim Decision discusses the case presented by FOWGR on these matters in some detail.⁵ It also records related evidence from Mr John Darby.

[7] Darby and others (including FOWGR) support the wording in the 1st Interim Decision of SOs 3.2.6.1 – 3.2.6.3 but seek a further SO as follows:

Planning for social, recreational and cultural well-being is strategic and guided by the development and implementation of a cultural masterplan.

[8] In support of that additional SO, Ms Baker-Galloway refers to the findings in the 1st Interim Decision (particularly those at [125], [127] and [128]). Counsel submits:

... it would be useful for the new SOs to more explicitly refer to the strategic and integrated planning approach required to be undertaken by Council. This would serve the wellbeing needs of residents and assist with strengthening the resilience of the district's economy. To this end the suggested drafting ... is intended to ensure Council is proactive and not just reactive in its approach to catering for these aspects of the community's wellbeing.



⁵ For example, at [88] – [91], [102] – [109].

Submissions for QLDC

[9] QLDC's primary position is that none of the proposed SOs 3.2.6.1, 3.2.6.2 and 3.2.6.3 is necessary for the following reasons:

... SO 3.2.1.9 provides an appropriate strategic objective, and any further SOs are unnecessary because Chapters 3 and 29 already provide a comprehensive framework for transport,⁶ including accessibility. The Court has also confirmed that there is no hierarchy between the chapters in the PDP, and therefore Chapter 29 can be read alongside Chapter 3.

[10] Subject to that, however, QLDC seeks some changes to the drafting proposed in the 1st Interim Decision:

(a) for proposed SO 3.2.6.1 to be more concise and better reflect the nature of an objective (in the sense of a goal or outcome) either a full rewrite or an amendment as follows (underlining showing requested changes from the 1st Interim Decision version):

SO 3.2.6.1 The accessibility needs of the District's residents and communities to places, services and facilities are met.

or

SO 3.2.6.1 The importance of accessibility to places, services and facilities that meet the needs of all the residents and communities of the District are realised;

(b) for proposed SO 3.2.6.3, the following modification to give more precise direction on the capacity for a zone-specific or district-wide provision to articulate what is appropriate (depending on matters such as the location or resource in question):

SO 3.2.6.3 The contribution that community social, recreational and cultural facilities and activities make to identity and sense of place for residents of the District is recognised and provided for through appropriate sound location and design.

[11] Subject to its primary position, QLDC submits that SOs 3.2.6.2 and 3.2.6.3 are otherwise sufficient to address the court's finding that the focus of SO 3.2.6 needs to be improved. QLDC records that it supports an approach whereby the new SOs would be focused at a district-wide level. It opposes the addition of any further SOs (including as

⁶ Referring to its closing submissions, dated 27 February 2019, at paras 3.16 – 3.18.



proposed by FOWGR). QLDC submits that FOWGR has gone beyond the scope of the directions given by the court in the 1st Interim Decision. In addition, it submits that it would be inappropriate to require planning to be guided by the development and implementation of a non-statutory document not before the court, such as the ‘cultural masterplan’.

Discussion

[12] We do not accept those submissions that, in substance, seek to revisit the findings in the 1st Interim Decision or otherwise go beyond the terms of the directions given in the 1st Interim Decision.

[13] In those terms, we find fault with FOWGR’s request for an additional SO. As the 1st Interim Decision records, FOWGR sought the inclusion of a SO referring to the ‘cultural masterplan’ in its supplementary closing submissions of 12 March 2019. That relief was not accepted for the reasons given in the 1st Interim Decision. FOWGR’s revised proposed SO essentially seeks to relitigate this matter. Furthermore, we agree with QLDC that it is not appropriate that district planning be guided or directed by a ‘cultural masterplan’ which is a non-statutory document.

[14] Similarly, we find fault with QLDC’s primary position that no additional SO should be included in Ch 3 on these matters. Notably, QLDC seeks to support that primary position by reference to submissions already considered and informing our findings in the 1st Interim Decision. It is not appropriate that we be invited to revisit our findings as to the inadequacy of SO 3.2.6.

[15] We accept QLDC’s submissions that the expression of SO 3.2.6.1 could be clearer. Of the two options for revision put forward by QLDC, we find the first preferable and appropriate, i.e:

SO 3.2.6.1 The accessibility needs of the District’s residents and communities to places, services and facilities are met.

[16] For proposed SO 3.2.6.3, we agree to some extent with QLDC’s submissions as to refinement of the drafting. Where we differ is in finding that the word ‘sound’ is a preferable qualifier to ‘design’. That is in the sense that it better responds to our findings in the 1st Interim Decision as to the urban design priorities of identity and sense of place for residents. Therefore, we find the most appropriate expression of this new SO is as follows:



SO 3.2.6.3 The contribution that community social, recreational and cultural facilities and activities make to identity and sense of place for residents of the District is recognised and provided for through ~~sound~~ appropriate location and sound design.

Chapter cross-referencing and whether s293 directions should be made

[17] This issue is very much of a technical nature. In essence, it is about how to ensure that a plan reader has clear signposts to the inter-relationships intended between the Strategic Objectives and Strategic Policies of Ch 3 and the provisions of other district-wide chapters of the ODP. Clarity on that interrelationship is important given the fact that the ODP review is only a partial review that will result in a substantially updated ODP (rather than a replacement district plan).

[18] The 1st Interim Decision includes a discussion of these matters at [73] – [76]. Part of the response to this matter is the inclusion of a new provision ‘3.1 Interpretation and application’ (Annexure 2 to the 1st Interim Decision). However, at [76], the 1st Interim Decision records:

... even with the change we have made, we remain concerned that further clarification of the place and influence of Ch 3 may be needed in other ODP chapters (such as Ch 4) to avoid risk of confusion. This was not a matter that was directly traversed in QLDC’s planning evidence for Topic 1. Nor was it given any particular attention ... [in] evidence from other parties. That leads us to conclude that we should invite supplementary submissions on whether we should exercise our powers under s293 RMA to insert suitable reference to 3.1B in Ch 4 and potentially other relevant chapters. ...

QLDC’s explanation of the approach in the partial ODP review

[19] Annexure A sets out extracts from counsel’s submissions giving explanation of these matters. As these are not matters of contention, we have decided to include them in this decision for reference purposes.⁷ We record our thanks to counsel for QLDC (Ms Scott and Ms Baillie) for the care they have taken in these matters.

⁷ Our only rider to that observation is that, at 2.7(a) of counsel’s submissions, Chs 4, 5 and 6 are described as providing “more detailed *higher order* objectives for urban development” (our emphasis). We find “higher order” somewhat confusing in the sense that it begs a question “higher order than what?”. Only Ch 3 pertains to Strategic Direction. Hence, we delete that word in Annexure A.



QLDC's submissions on cross-referencing and s293

[20] QLDC proposes the following 3-fold approach to clarifying the interface between what it terms the "PDP Chapters" (i.e. the proposed provisions under the ODP review) and the "ODP Sections" (i.e. the un-reviewed ODP Sections):

- (a) insert into 'PDP' Ch 3 reference to 'PDP' Chs 4, 5 and 6 to make the relationship clear;
- (b) insert into 'PDP' Ch 3 reference to 'ODP' Section 4 alongside the two residual objectives to make the application of those two objectives (to the two volumes of the plan) clear;
- (c) insert into 'PDP' Ch 1 'Introduction' new explanatory text along with the diagram (set out at para 2.5 in Annexure A). Counsel goes on to submit:

Going forward, as the plan review progresses and more Volume A provisions are reviewed, the diagram will not need to be updated, provided it remains general and does not refer to any particular zones or sections/chapters. If an update is required, council considers it could make such changes using clause 16 of Schedule 1 of the RMA given it is essentially supporting/explanation rather than substantive.

[21] Counsel also submits:

This new section in the Introduction Chapter would provide plan users with a "one stop shop", and would be easier to comprehend than a series of cross-references to PDP provisions within the ODP. ...

[22] Counsel proposes that, if the court favours this suggested approach, directions could be made for it to file a draft of its solution within three weeks of the date of this decision.

[23] QLDC agrees with Darby and others on the value of further improving cross-referencing as to the intended relationship of Ch 3 to what counsel terms the PDP Chapters 4 to 6. Counsel points out that some of the text that provided that explanation was removed by the drafting in Annexure 2 to the 1st Interim Decision.

[24] QLDC submits that the court has jurisdiction to add its recommended explanatory material to the ODP, without having to have recourse to s293, RMA. In essence, that is because inclusion of this explanatory material in the ODP is simply consequential on the changes directed to Ch 3 (in particular, new 3.1B). Furthermore, it simply serves to assist the plan reader to understand the structure of the ODP as it evolves through this ODP



review. However, in the event that the court considers it necessary or appropriate to make s293 directions, counsel submits that there is jurisdiction to do so. That is because:

... “Signpost” paragraphs would be inserted into ODP chapters that are affected by the review to the extent that the new Chapters 4 to 6 relate to the Volume B land and therefore the unreviewed ODP chapters need to be read alongside the new strategic chapters.

Submissions for QAC

[25] QAC largely agrees with QLDC’s suggested 3-tier approach. Further, counsel (Ms Wolt/Ms Linterman) emphasise the importance of ensuring that the “ultimate product, being the updated ODP” is “fully coherent and integrated, and its intentions clear to the ordinary reader”. QAC submits that, as matters presently stand, that is not achieved.

[26] Counsel emphasises the importance of including cross-referencing to Ch 3 in existing Sections 5 and 6 of the ODP. Counsel refer to a QLDC ‘Practice Note’ as to the fact that Ch 3 (as well as PDP Chs 4, 5 and 6) apply to all land across the district (i.e. land covered by the ODP and PDP zones). Ms Wolt and Ms Linterman submit that a “strategic lacuna” would arise for the management of land for airport noise within unreviewed zones of the ODP if such cross-referencing is not clear and properly all-encompassing.

[27] Counsel indicate that QAC would abide the court’s decision on s293 (indicating QAC’s position is neutral). However, counsel observe that “the current approach to the administration and interpretation of the plans [sic] was not clear in the PDP as notified. On this basis, the use of section 293 would be the appropriate course”.

Submissions for Darby and others

[28] Ms Baker-Galloway agrees that there would be value in improving the clarity of how Ch 3 relates to other “Strategic Chapters”. Counsel points out that these include Chs 5 and 6 (in addition to Ch 4). Ms Baker-Galloway submits that it would be clearer if Chs 3 – 6 “all stated that they are intended to be read collectively with the other strategic chapters and that there is no fixed hierarchy”. However, she agrees that s293 directions are not necessary because what is proposed is essentially a consequential change to provide greater clarity as to what was always intended. In particular, in both the notified version (‘NV’) and decision version (‘DV’) of the ODP review provisions, explicit statements are made as to the intended relationship of Ch 3 to other “more detailed



provisions” of the district plan related to zones on specific topics. Counsel also points out that there was the following cross-reference in the DV of Ch 3:

The objectives and policies in this chapter are further elaborated on in chapters 4-6. The principal role of chapters 3-6 collectively is to provide direction for the more detailed provisions related to zones and specific topics contained elsewhere in the District Plan...

Discussion

[29] Properly, there is consensus in submissions as to the need to clarify how Ch 3 relates to other District-wide ‘Chapters’ and ‘Sections’. We find the relevant cross-references need to address the intended relationship of Chapter 3 – Strategic Directions and the following:

- (a) Chs 4, 5 and 6 of the ‘PDP’ provisions; and
- (b) Sections 4, 5 and 6 of the un-reviewed ODP provisions.

[30] In view of the explanations given in QLDC’s submissions (in Annexure A), we accept as appropriate QLDC’s proposed 3-tiered approach to clarifying the proper interface of Ch 3 to these noted Chapters and Sections. QLDC is directed to undertake preparation of this for the court’s review and approval.

[31] We are satisfied that we have jurisdiction to approve the inclusion of this explanatory material in the ODP, without having to have recourse to s293, RMA. As QLDC points out, this would be simply consequential on the changes directed to Ch 3 (in particular, new 3.1B). Furthermore, it serves to assist the plan reader to understand the structure of the ODP as it evolves through this ODP review.

[32] We are also satisfied that it would not be appropriate to make s293 directions. In particular, whilst we acknowledge the complexities in QLDC’s partial review approach, we are satisfied that both the NV and DV included sufficient “sign post” explanations of how Ch 3 was always intended to relate to the remainder of the ODP. Furthermore, we are satisfied there would be no issues of prejudice to any party and plan user on those remedial changes.

Conclusion

[33] For those reasons:



- (a) those provisions of the DV, as shown amended in Annexure 2 to the 1st Interim Decision are confirmed, subject to:
- (i) the addition of the following Strategic Objectives:
- SO 3.2.6.1 The accessibility needs of the District's residents and communities to places, services and facilities are met.
- SO 3.2.6.2 A diverse, resilient and well-functioning community where opportunities for arts, culture, recreation and events are integrated into the built and natural environment.
- SO 3.2.6.3 The contribution that community social, recreational and cultural facilities and activities make to identity and sense of place for residents of the District is recognised and provided for through appropriate location and sound design.
- (ii) the inclusion of explanatory text, once approved by the court, in each of Chs 4, 5 and 6 of the 'PDP' provisions and Sections 4, 5 and 6 of the ODP as to the intended relationship that Ch 3 has to those other Chapters and Sections, to give effect to our findings in this decision.
- (b) QLDC is **directed** to file a draft of its proposed explanatory text to provide for that cross-referencing in general accordance with the approach it outlines in submissions (as per Annexure A) and give effect to our findings at [29] – [32], **within 20 working days** of the date of this decision.

[34] That timetable is more generous than as proposed by QLDC, in view of the 'lockdown' impediments of COVID-19 – Alert Level 4.

[35] As we will need to consider and approve that proposed explanatory text, we are not yet in a position to make directions for QLDC to provide a final set of provisions suitable for the court's approval for inclusion, as operative provisions, in the ODP. However, in anticipation that this could be done relatively soon thereafter, it would be sensible for QLDC to start preparations to that end. For clarity, we now give leave to QLDC to make any numbering or other formatting adjustments to the provisions in Annexure 2 to the 1st Interim Decision (as amended by this decision) and, in due course, to the other noted Chapters and Sections that would be amended by the inclusion of the explanatory statements.



[36] Although costs are reserved, applications are not encouraged. In particular, the findings on the 1st Interim Decision and in this decision indicate that costs should lie where they fall.

For the court:



J J M Hassan

Environment Judge

Annexure A

Extracts from QLDC's 2 September 2019 submissions providing explanation of QLDC's approach to the partial ODP review

2. ODP OBJECTIVES NOT ENCOMPASSED BY PLAN REVIEW

2.1 By way of context the Court noted that there is potential for ODP objectives not encompassed by the review to have some bearing on its consideration of provisions in other Stage One appeal topics.

2.2 The list of ODP objectives not encompassed by the plan review is provided at Appendix A to these legal submissions. Some context to these provisions is given in this section to assist the Court. Rather than just providing the ODP objectives not encompassed by the plan review, to provide the full picture the Council has separated all ODP objectives into three categories:

- (a) Category 1: Objectives that are encompassed in the review, and are fully replaced by the PDP.
- (b) Category 2: Objectives that are encompassed in the review, but only replaced in respect of Volume A "reviewed" land. The objectives will remain in the district plan but only to apply to Volume B "unreviewed" land.
- (c) Category 3: Objectives that have not been encompassed in the review.

Partial plan review

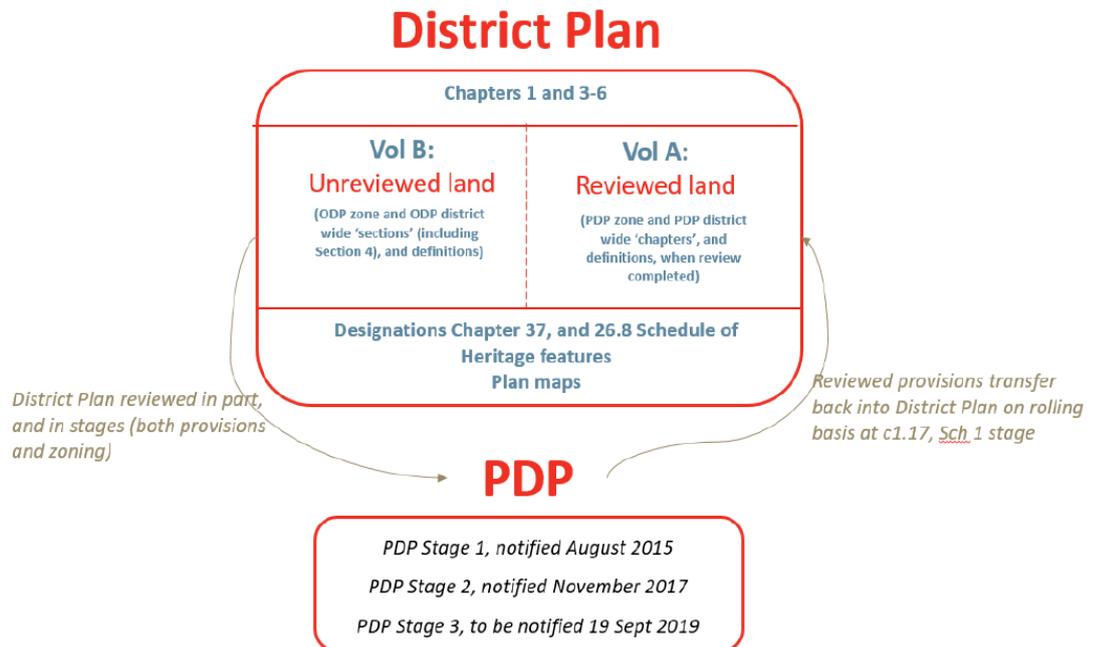
2.3 The Council's review of its district plan is partial, it does not encompass the entire ODP. The PDP provisions that become operative will merge into and form part of the ODP, rather than constituting a replacement district plan. However as the Court acknowledged in its decision, the plan review is extensive and seeks to substantially change much of the ODP, both in content and effect.

2.4 Since the Court issued its Topic 1 decision, the Council on 26 August 2019 made a decision under clause 5 of Schedule 1 of the RMA to notify Stage 3 of the plan review. That notification is scheduled to occur on 19 September 2019.

2.5 The following diagram shows the Queenstown Lakes district plan and the relationship between the PDP and ODP. As the plan review progresses through Schedule 1 of the RMA, provisions will move from the PDP back into the district plan to create Volume A, "Reviewed Land". The diagram deliberately does not include reference to ODP 'Sections' or PDP 'Chapters' (other than the strategic chapters), because they will change over time as they move through the review process and Volume B becomes progressively smaller and of limited relevance to only that land that has not been reviewed.



- 2.6 The amount of land to which Volume B of the district plan applies will decrease over time as further components are reviewed, including through notification of Stage 3.



To better understand the extent of the partial review, after notification of Stage 3 on 19 September 2019, only approximately 19.1km² of the District (out of approximately 9328km²) will not have been notified into the PDP through Stages 1, 2 or 3 of the review. This Volume B unreviewed land can be seen visually in Appendix B to these submissions.

- 2.7 The relationship between the PDP and ODP, and the two volume approach is summarised as follows:
- (a) PDP Chapter 3 provides overarching strategic direction for the Queenstown Lakes District;
The Chapter 3 objectives and policies are further elaborated on in PDP Chapters 4 – 6. Chapters 4, 5 and 6 provide more detailed ... objectives for urban development, tangata whenua and rural landscapes, all applying district-wide;
 - (b) The PDP zone and district wide chapters (PDP Part 5) notified in Stages 1 and 2 (and shortly through Stage 3), will as they work through the Schedule 1 process, end up in Volume A of the district plan;
 - (c) Volume B of the district plan will consist of the zone chapters not yet reviewed, but will need to include all ODP district wide chapters that need to remain in the district plan to regulate district wide issues, along with two objectives from Section 4 of the ODP, which is further explained below;
 - (d) Section 4 of the ODP is encompassed in the review, with the exception of two objectives which are explained further in the table under paragraph 2.9 below;



- (e) All designations were rolled over, or new requirements were sought, in Stage 1 of the PDP. There is one designations chapter in the district plan; and
- (f) The Heritage Chapter 26 includes listed heritage items. Some of these are located over Volume B land, and therefore is listed separately in the diagram above.

Unreviewed objectives – Section 4 of ODP

- 2.8 The Court identified in its decision that the ODP has a Section 4 containing District Wide matters, but ODP Section 4 does not operate as an overarching strategic directions chapter in the way that PDP Chapter 3 is intended to do. It is noted for completeness that the ODP also has a number of other 'district wide' sections that operate alongside Section 4. These include objectives, policies and rules on matters such as Heritage (Section 13), Transport (Section 14), Subdivision, Development and Financial Contributions (Section 15) and Hazardous Substances (Section 16), and so on.
- 2.9 The Court acknowledged that the effect of the partial review is that ODP Section 4 is encompassed by the review, because of the strategic nature for the entire district of PDP Chapters 3 to 6. This means that Chapters 3 through to 6 of the PDP essentially replace Section 4 of the ODP, for the purposes of the district plan. In providing the list of unreviewed objectives in Annexure 1, Council has identified that the following objectives in Section 4 need to be treated differently.

ODP Section provision	Status	Reason
Section 4.8, Natural Hazards: Objective 7.8.3(1)	Although encompassed in the review, it should not fall away for Volume B land.	Objective 7.8.3(1) has been replaced in the PDP, principally by Chapter 28 (Natural Hazards) and Chapter 30 (Energy and Utilities). These are not strategic chapters and only apply to Volume A (reviewed) land. Chapters 28 and 30 of the PDP do not apply to Volume B (unreviewed) land. Therefore this objective will remain for the Volume B (unreviewed) land, or there would be a gap in the objective framework for natural hazards, where Volume B land is at issue.



		At some time in the future when all Volume B land is reviewed, Objective 7.8.3(1) will fall away.
Section 4.10 Affordable and Community Housing: Objective 1	Should remain for all of the District (i.e. Volume A and B land)	The Affordable and Community Housing provisions are under review but have not yet been notified (this is expected to occur in 2020). At some time in the future when the affordable and community housing provisions are reviewed, Objective 1 will fall away.

2.10 Otherwise Section 4 of the ODP is encompassed in the review, and will fall away when the Strategic Chapters are approved under clause 17 of Schedule 1 of the RMA.

Unreviewed objectives – other chapters of the ODP

2.11 The following ODP zones have not been reviewed in either Stages 1, 2 or 3. The land that will form Volume B of the district plan (after Stage 3 notification on 19 September 2019) consists of:⁸

Volume B “unreviewed” land⁹

Section 12 – Special Zones: Penrith Park Zone

Section 12 – Special Zones: Bendemeer Zone

Section 12 – Special Zones: Remarkables Park Special Zone

Section 12 – Special Zones: Quail Rise Special Zone

Section 12 – Special Zones: Hydro Generation Overlay/Zone

Section 12 – Special Zones: Meadow Park Zone

Section 12 – Special Zones: Frankton Flats Zone

Section 12 – Special Zones: Frankton Flats B Special Zone

Section 12 – Special Zones: Kingston Village Zone

Section 12 – Special Zones: Shotover Country Special Zone

Section 12 – Special Zones: Arrowtown South Zone

Section 12 – Special Zones: Mt Cardrona Station Special Zone

Section 12 – Special Zones: Northlake Special Zone

Section 7 – Residential Areas: Ballantyne Road Wanaka Low Density Residential Zone (formerly referred to as the Ballantyne Road extension)



⁸ Footnoted to record that this explanation is given for a general purpose and that the situation is more complex in a resource consent application process context.

⁹ Footnoted with reference to <https://www.qldc.govt.nz/planning/district-plan/volume-1-district-plan/>

Section 7 – Residential Areas and Section 10 Town Centre: Queenstown Town Zone and High Density Residential Zone (formerly referred to as Plan Change 50)

Section 7 – Residential Areas and Section 11 Business and Industrial Zones: Gorge Road. High Density Residential Zone and ODP Business Zone

Section 12 – Special Zones: Rural Visitor Zones.

2.12 The 'District wide' sections of the ODP, also require explanation.¹⁰ The objectives in these sections will largely be encompassed in the plan review, but only for Volume B A land. Those same district wide sections need to remain in Volume A of the district plan, so that they can continue to apply to Volume A B zones. When land in Volume B A (for example, the Penrith Park Special Zone) is reviewed in the future, the Volume A PDP district wide chapters will then apply to that area of land.¹¹

...

3.11 Section 4.8, Objective 7.8.3(1) will continue to apply to Volume B land only. Section 4.10, Objective 1 will continue to apply to all of the District – so Volume A and B land.



¹⁰ Footnoted to explain counsel is not referring to Ch 4 of the ODP for this submission.

¹¹ References to these volumes corrected in QLDC's 12 September 2019 submissions.

SCHEDULE**List of Appellants**

ENV-2018-CHC-056	Upper Clutha Environmental Society Incorporated
ENV-2018-CHC-082	Kawarau Jet Services Holdings Limited
ENV-2018-CHC-084	FII Holdings Limited
ENV-2018-CHC-092	Trojan Helmet Limited
ENV-2018-CHC-093	Queenstown Airport Corporation Ltd
ENV-2018-CHC-098	Friends of the Wakatipu Gardens and Reserves and Associated Residents
ENV-2018-CHC-101	Universal Developments Limited
ENV-2018-CHC-106	Te Anau Developments Limited
ENV-2018-CHC-119	Halfway Bay Lands Limited
ENV-2018-CHC-124	Waterfall Park Developments Limited
ENV-2018-CHC-126	Remarkables Park Limited
ENV-2018-CHC-127	Queenstown Park Limited
ENV-2018-CHC-131	Real Journeys Limited
ENV-2018-CHC-134	Ngai Tahu Tourism Limited
ENV-2018-CHC-137	Coneburn Preserve Holdings Limited & Others
ENV-2018-CHC-138	Real Journeys (trading as Go Orange Limited)
ENV-2018-CHC-146	Real Journeys Limited (trading as Canyon Food and Brew Company Limited)

