

Queenstown Lakes District Proposed District Plan – Stage 1

Section 42A Hearing Report

For Hearing commencing: 7 March 2016

Report dated: 19 February 2016

Report on submissions and further submissions

Chapter 1 Introduction

File Reference: Chp. 1 S42A

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1. Executive Summary

- 1.1. Generally, I consider that the overall thrust of the provisions in the Introduction Chapter should be maintained as notified, to continue to simplify the Proposed District Plan (PDP) where practicable.
- 1.2. However, I consider some minor changes are appropriate and have recommended that these be made, as shown in the Revised Chapter in Appendix 1.

2. Introduction

- 2.1. My full name is Anthony Pickard. I hold the qualification of Bachelor of Science (Hons) Estate Management from Reading University, England. I have been employed in planning and development roles in private practice, local authorities and other government bodies since 2003, both in the United Kingdom initially and in New Zealand since 2006. These roles have included five years employed by the NZ Historic Places Trust as a Regional Planning Advisor and Project Manager. My role prior to QLDC was as Manager of the Heritage Team (Planning and Urban Design) at Wellington City Council. From January 2014 to February 2016 I was a Senior Planner (Policy) at QLDC, and from 15 February 2016 my role at QLDC is Principal Planner, Infrastructure.
- 2.2. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
- 2.3. I am authorised to give this evidence on behalf of QLDC.

3. Scope

- 3.1. This report addresses the submissions and further submissions received on the Introduction Chapter of the PDP.
- 3.2. Additionally, I have also considered whether any submission points would more appropriately be addressed in a different hearing stream. Where I consider that certain submissions should be deferred, I have made a recommendation within Appendix 2, accordingly.

4. Background

- 4.1. This Chapter is intended to replace the current Sections 1 Introduction, and 2 Information and Interpretation, of the Operative District Plan (ODP). These ODP Sections contained lengthy narratives of matters which are already addressed through the Resource Management Act 1991 (RMA) and Council's guidance for resource consent applicants (a non-statutory document that is regularly updated).
- 4.2. Schedule 4 of the RMA was amended in March 2015.¹ As a result, the requirements for information and assessment that must accompany any resource consent application under the

¹ Schedule 4: replaced, on 3 March 2015, by section 125 of the Resource Management Amendment Act 2013.

RMA are now more detailed. I consider that duplicating the statutory requirements in the PDP is inefficient and unnecessary. Unnecessary duplication combined with anecdotal evidence that the introductory sections in the ODP were seldom read by any user, has informed the need to greatly simplify this Introduction chapter.

5. Submissions

- 5.1. The PDP was notified on 26 August 2015. The submission period closed on 23 October 2015. A summary of submissions was notified on 3 December. The further submission period closed on 18 December 2015.
- 5.2. 12 submissions with 28 points of submission were received directly on Chapter 1. 15 further submissions with 18 further submission points have been received in relation to principal submissions.
- 5.3. I have read and considered all submissions received² relating to this chapter.
- 5.4. I have included in Appendix 2 a list of all the submissions received relating to this chapter and whether my recommendation is that the submission is rejected, accepted, or accepted in part.
- 5.5. Submissions received are all relatively minor and are assessed generally within the recommendations in Appendix 2. In response to the matters raised in some submissions I have recommended amendments to the PDP text. I have included a revised version of Chapter 1 as Appendix 1.
- 5.6. I note that submission 145.4 also relates to Chapter 3 Strategic Direction and should also be considered there.
- 5.7. I note that submission 810.2 is also relevant to Chapter 5 Tangata Whenua and will be more efficiently addressed there.

6. Analysis

- 6.1. The RMA, as amended in December 2013 no longer requires this report or the Council decision to address each submission point but, instead, requires a summary of the issues raised in the submissions. Due to the minor nature of the amendments sought, all submissions have been responded to in brief comments in Appendix 2 and I consider them to be self-explanatory.
- 6.2. Some submissions contain more than one issue, and will be addressed where they are most relevant within this report.
- 6.3. Given the limited numbers of submissions and further submissions on the Introduction Chapter, and the content of them, I consider that the general level of detail now contained in this Introduction Chapter is appropriate and generally supported. The brief analysis of these individual submissions is largely contained within the Table (Appendix 2) but is summarised below.

² At the time of writing. Any later or referred submissions will be addressed at the Hearing.

6.4. Issues

6.4.1. Relationship to other documents

Submitter 805 Transpower NZ Limited (805.2) requests amendments are made to increase the clarity of the relationship between this Plan and other planning documents. It is noted that this is included within the RMA at various points, but I consider that it would be useful to include some further details within this section. The suggestion that this is supported by diagrams however is not agreed.

Recommendation - that the text amendments are Accepted in Part but that the inclusion of a diagram is Rejected.

6.4.2. Consultation

Submitter 805 Transpower NZ Limited (805.3) correctly identifies that applicants should be encouraged to consult (in their instance on infrastructure matters). While I reject the specific suggestion to make this a requirement for infrastructure specifically, the wording in their reasoning within their full submission, i.e., to “encourage” over “may need “ is more closely aligned with S35A, of the RMA (as the latter may be construed as a requirement to consult) and I consider it should be included in the Revised Chapter. Consequential amendments to the text are therefore recommended to that effect.

Recommendation – that the inclusion of a reference to infrastructure is Rejected, and text amendments to better reflect the RMA are Accepted in Part.

6.4.3. Delegations

Submitter 719 NZ Transport Agency (719.1) correctly identifies that additional information required for Delegations (for Notices of Requirement) are fully detailed within the RMA. As this Plan seeks to simplify its content, including removing duplication, I support its deletion.

Recommendation - Accepted that this section is deleted.

6.4.4. Building height poles.

Relevant submissions:

42.1 J, E & ML Russell & Stiasny (FS 1300.1 Wanaka Trust, FS 1012.12 Willowridge Developments Limited)

145.1 Upper Clutha Environmental Society (Inc) (FS 1162.1 James Wilson Cooper, FS 1157.51 Trojan Helmet Ltd) FS 1313.61 (Darby Planning LP)

Submitters request changes to the duration and possible zone locations of building height poles, which are generally opposed by further submitters. I consider that the provision for this planning tool is efficient and is appropriately controlled by being restricted to the Council's discretion, as it is within the Operative District Plan.

Recommendation – that the original submissions to amend the rule are Rejected.

7 Conclusion

- 7.1 On the basis of my analysis within this report, I recommend that the changes in the Revised Chapter in Appendix 1 are accepted.
- 7.2 The changes will improve the clarity and administration of the Plan; contribute towards achieving the objectives of the Plan in an effective and efficient manner and give effect to the purpose and principles of the RMA.



Anthony Pickard
Principal Planner Infrastructure
Queenstown Lakes District Council
19 February 2016

Appendix 1. Revised Chapter

Key: Recommend changes to notified chapter are shown in underlined text for additions and ~~strike-through text~~ for deletions. Dated 19 February 2016.

1 Introduction

1.1 Purpose

The purpose of the preparation, implementation and administration of this District Plan is to assist the Queenstown Lakes District Council to carry out its functions in order to achieve the purpose of the Resource Management Act (RMA) 1991¹.

The purpose of the RMA² is to promote the sustainable management of natural and physical resources.

In the RMA, sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- Sustaining the potential of natural and physical resources (excluding minerals), to meet the reasonably foreseeable needs of future generations; and
- Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

1.2 Legal Framework

Obligation to Comply with the Act

1.2.1 No person may use land in a manner that contravenes a rule in the District Plan, unless they have existing use rights or a resource consent granted by the Council (Sections 9, 10 and 10A). In the context of the Act such use includes the use of the surface of lakes and rivers (Section 10A).

1.2.2 No person may subdivide land unless expressly allowed by a rule in the District Plan, a National Environmental Standard or a resource consent (Section 11).

Existing Use Rights

1.2.3 Sections 10 and 10A of the Act provide for the existing and continued use of land and the surface of water in a manner which contravenes a rule in the District Plan, subject to the following:

- Land may be used in a manner that contravenes a rule in a district plan or proposed district plan if either:
 - The use was lawfully established before the rule became operative or the proposed plan was notified; and

¹ S72 Resource Management Act 1991

² S5 Resource Management Act 1991

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- The effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified:

Or

- The use was lawfully established by way of a designation; and
- The effects of the use are the same or similar in character, intensity, and scale to those which existed before the designation was removed.

1.2.4 Existing use rights do not apply if:

- The use of land has been discontinued for a continuous period of more than 12 months, unless the Council has granted an extension by way of application; or
- Reconstruction, alteration or extension of any building that contravenes a rule in the District Plan increases its degree of non-compliance.

Enforcement

1.2.5 The Council will use its powers under Part 12 of the Act in requiring persons to cease or not commence activity which is or is likely to:

- Contravene the Act, any regulations, a rule in the District Plan, or any resource consent; or
- Be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on the environment.

1.2.6 Under the Act, the Council has recourse to several enforcement tools, including enforcement orders, abatement notices, prosecutions for offences, and the power to enter and inspect land in respect of ascertaining compliance, seizing and obtaining evidence, and carrying out emergency works.

1.3 Cross Boundary Issues

The District sits within the Otago Region, and has borders with the Canterbury, West Coast and Southland Regions, and Southland, Central Otago, Waitaki and Westland Districts.

Cross-boundary issues refer to situations where an activity takes place on or near a territorial boundary or where the effects of a particular activity impact on the territory of an adjacent authority.

1.3.1 The following procedure will be followed for cross-boundary issues:

- Council will consider whether any resource consents are required from any other consent authorities.
- Reference to the provisions of the Act that relate to joint hearings will be made where an activity requires consent from two or more authorities.
- Applicants for resource consent for activities which might have effects on an adjoining territory will be encouraged to consult with that authority.

1.4 Environmental Monitoring

1.4.1 The Council has responsibilities for gathering information, monitoring and maintaining records on resource management matters. These responsibilities will allow the Council to consider refinements to the content of the Plan as well as

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enabling the community to be informed about how the Plan's provisions are performing. The monitoring process of the Council has three components:

- Compliance with the provisions of the Plan and compliance with conditions of consent. In particular the Council will monitor compliance with approved resource consents.
- The state of the environment.
- The suitability and effectiveness of the provisions of the Plan.

1.4.2 Monitoring of the Plan will reflect the grouping of chapters within each Part being:

Part One	Introduction
Part Two	Strategic Matters
Part Three	Urban Environment
Part Four	Rural Environment
Part Five	District Wide Matters
Part Six	Special Zones
Part Seven	Maps

1.5 Review Procedures / Changes to the Plan

1.5.1 The Act requires that the Queenstown Lakes District Council have at all times, a District Plan. The Council is obliged to commence a full review of its District Plan not later than 10 years after this Plan becomes operative. It is, therefore envisaged this document will be in force for at least the next decade.

However, as changes occur to the environment it may be desirable to make amendments to this Plan in order to respond to new issues and conditions. This can be done either in part by introducing a Plan Change or in full by way of a total review.

1.5.2 Any person may apply for a change to this Plan, or the Queenstown Lakes District Council may itself initiate a change.

1.6 How to use this Plan

1.6.1 The Plan is arranged in seven Parts (see para 1.4.2 above).

1.6.2 The key to using the Plan is to start with the maps. Firstly, identify the site to which any development relates. Zone information will be shown, as well as any other resources or restrictions.

1.6.3 Secondly, refer to the relevant Chapter for the zone provisions (objectives, policies and rules) or District Wide Matters. Development may breach several rules across more than one Chapter and all will need to be addressed.

1.6.4 Thirdly, if resource consent is required to undertake an activity, complete the relevant application documents provided by Council and include the information required (see below).

Definitions

1.6.5 Definitions are provided within this Plan and have specific meanings. Generally, plain English interpretations of words are encouraged but there are definitions

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included within the Resource Management Act, and other legislation such as the Building Act.

In this Plan where a word or phrase has been expressly defined, it has primacy over other definitions elsewhere.

Resource Consents

- 1.6.6 The District Plan provides for two types of resource consent: land use and subdivision. Various resource consents and permits are also issued by the Otago Regional Council particularly in relation to the use of beds of lakes and rivers.
- 1.6.7 An application for resource consent must be made in accordance with the Act. Forms and accompanying information for land use and subdivision consent are available from the Council offices or on the Council's website. An Assessment of Effects on the Environment and other relevant information prepared in accordance with Schedule 4 of the Act must also be provided.
- 1.6.8 Applications may be made by anyone, however for complex matters, professional assistance may be required.

Status of Activities

- 1.6.9 Within the Plan, different levels of activity that relate to the development of land or subdivision are used to set rules. These are:

Permitted activities are allowed by the Plan without resource consent, providing they comply in all respects with the rules specified in the Plan.

Controlled activities require resource consent. They shall comply with standards in the Plan and will be assessed according to those matters in the District Plan over which the Council has reserved control. The Council must generally grant consent to a controlled activity, but in granting consent the Council may impose conditions that relate only to those matters specified.

Restricted Discretionary activities require resource consent but the Council will have limited its discretion to certain stated matters. Applications can be granted or refused.

Discretionary activities require resource consent, and may be subject to standards specified in the Plan. All effects of the proposal can be considered by Council and the application can be granted or refused

Non-complying activities are those which are not anticipated in the Plan. A resource consent is required and may be granted or refused.

Prohibited activities are those which a rule in the Plan expressly prohibits in the District or a particular zone. No application may be made for such activities and no resource consent will be granted.

Zones and District Wide Rules

- 1.6.10 The District is split into several zones to allow different provisions to apply to each. This allows development in each zone to be reflective of the effects anticipated by this Plan. District Wide Matters apply over all zones.

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National and Regional Rules

- 1.6.11 In addition to the District provisions within this Plan, the RMA also requires national level Policies and Standards to be applied. National Policy Statements state policy on matters of national significance relevant to achieving the purpose of the RMA³. A number of National Policy Statements have been enacted and the District Plan must give effect to⁴ these National Policy Statements. Similarly, a District Plan cannot contain rules that could duplicate or conflict⁵ with regulations in a National Environmental Standard. Similarly, ~~t~~The Regional Council has its own rules which cover several Districts, specifically including the Regional Policy Statement which this Plan must give effect to. These additional high level provisions will be referred to where practicable to do so. Users of the Plan are responsible to ensure that other such provisions are met.

Designations and Heritage Orders

- 1.6.12 Part 8 RMA defines those authorities that have power to become a requiring authority and provide for their works through designations in the District Plan.
- 1.6.13 A heritage order is a provision in the District Plan to give effect to a requirement made by a heritage protection authority.

A heritage order is issued to protect features or places of special interest, character, intrinsic or amenity value or visual appeal and such area of land surrounding these places as is necessary to protect and afford reasonable enjoyment of them. No person may undertake work in a manner contrary to the heritage order.

Consultation

- 1.6.14 While section 36A of the RMA states that there is no duty for an applicant or the Council to consult any person about an application, ~~An a~~ Applicants ~~may need~~ are encouraged to undertake consultation with parties affected by the proposal. The appropriate level of consultation ~~may depends on matters such as~~ the effects or impacts of the proposal. The process of consultation, ~~if pursued,~~ allows people to understand the proposal and, done properly, can reduce the time delays and costs of resource consents.

Where ~~Special consultation procedures may apply to~~ activities which affect sites or values of significance to the tangata whenua, special consultation procedures may apply if an applicant elects to consult. An applicant is advised to refer to any consultation documents or Iwi Management Plans, which the Council may have available.

Notification

- 1.6.15 The Council may decide whether to publicly notify an application for resource consent for an activity.
- 1.6.16 Council must publicly notify the application if:
- It decides that the activity will have or is likely to have adverse effects on the environment that are more than minor; or,
 - The applicant requests public notification; or,

³ S45 RMA

⁴ S55 RMA

⁵ S44A RMA

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- A rule in the Plan, or National Environmental Standard (NES) requires public notification.

1.6.17 **Despite the above, Council must not publicly notify the application if;**

- A rule in this Plan, or NES standard precludes public notification of the application; and,
- The applicant has not requested public notification.

1.6.18 **Despite the above, Council may publicly notify an application if it decides that special circumstances exist in relation to the application.**

1.7 **Information to be submitted**

1.7.1 **For the Council to process an application for resource consent an applicant must provide adequate information to enable the effects of the activity to be assessed in accordance with the RMA and any assessment matters set out in the District Plan. The amount of detailed information needed depends on the type of resource consent.**

1.7.2 **Where the Council considers insufficient information has been supplied further information will be requested and the application or plan change will not be processed until the information is supplied.**

1.7.3 **Different types of applications require different details to be included with the application. Schedule 4 RMA details all information requirements for resource consents and is not repeated here. Guidance on this information is available from Council on the web pages associated with Resource Consents and may change from time to time.**

Further information

1.7.4 **Further information may also be required from an applicant where it is considered necessary to better understand the nature of the activity, the effect it may have on the environment, or the ways in which adverse effects may be mitigated. The Council may also commission a report, at the applicant's expense, on any matters raised in relation to the application, or on any environmental assessment or effects. However, before commissioning such a report it shall notify the applicant.**

Designations

1.7.5 ~~The following additional information shall be submitted with a Notice of a Requirement (NOR):~~

- ~~• Details of the Order in Council or empowering legislation which allows the applicant to be a requiring authority, including any specified terms or conditions attached to the Order in Council.~~
- ~~• A statement of how the requirement meets Part 2 of the Act.~~
- ~~• A statement of the objectives the project or work is aiming to achieve.~~
- ~~• The degree to which the requirement meets the objectives and policies of the Plan.~~
- ~~• The relationship of the work to, or effect on, any relevant provisions of national or regional policy statements and regional plans.~~
- ~~• Details of land ownership, acquisition and site clearance.~~
- ~~• The proposed sequence and timing of the work, clearly identifying any part which may not be commenced or completed within 5 years' time.~~

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- ~~• Proposals for the use and maintenance of those parts of the land which will not be developed for 5 years or more, in particular, identification of those buildings and structures which could continue to be used and maintained in the meantime.~~
- ~~• Identification of any other designation or heritage order applying to the site, whether it has been given effect to and the effect the requirement may have on the existing designation or heritage order.~~

Building Outline

- 1.7.6 Council may request that any application to establish a building is accompanied by the erection of poles or other similar devices to identify the bulk of the proposed building to be erected on the site. The poles are to be in place prior to site assessment and must remain in place until the Council has completed the application.**

Costs

- 1.7.7 The Council policy involves cost recovery in respect of applications for Resource Consents or Plan Changes. Deposits will be required for all Resource Consents and Plan Change requests. In general terms the costs recovered will include:**

- Any public notices.
- Council officer's time.
- Postage and distribution costs.
- Costs for hearing time.
- Costs of any independent reports required by the Council.

Resource Consent process

- 1.7.8 The process for making, lodging, vetting and processing resource consent applications is deliberately not included in this Plan. This process is subject to change and amendments and details are available on the Council's website or direct from the Resource Consent Team.**

Appendix 2. List of Submitters and Recommended Decisions

Chapter 1 - Introduction

Lowest Clause	Submitter	Name	Organisation	Agent	Original Point No	Further Submission No	Submitter Position	Planner Recommendation	Issue Reference	Deferred or Rejected	Retain in existing hearing stream as well?
	21	Alison Walsh			21.1		Support	Accept			
	21	Alison Walsh			21.2		Support	Accept			
	86	Jeff Aldridge			86.1		Support	Accept			
	115	Florence Micoud			115.1		Other	Reject	The submitter requests that the Purpose is expanded from Council's requisite functions under the RMA to assist with attaining its 'vision'. The submitter also correctly identifies that this approach is already included elsewhere (in the Strategic Directions Chapter) within the proposed plan. I consider it is not necessary to repeat this direction in this chapter.		
	339	Evan Alty			339.1		Support	Reject	The provision for economic wellbeing, along with social and cultural wellbeing provides a balance between the use of the environment and its protection. I consider its appropriate to refer to elements of that balance and the perceived imbalance in favour of economic wellbeing is not justified.		
	1117	Jenny Carter	Remarkables Park Limited		339.1	FS1117.46	Oppose	Reject	The further submission is rejected, as the original submission is rejected for reasons other than RPL's submission.		
	1097	Jenny Carter	Queenstown Park Limited		339.1	FS1097.151	Oppose	Reject	The further submission is rejected, as the original submission is rejected for reasons other than QPL's submission.		
1.1 Purpose	145	Julian Haworth	Upper Clutha Environmental Society (Inc)		145.4		Other	Accept in Part	Reading the submission it appears that the intent is to comment on the introductory paragraph of the Strategic Directions Chapter rather than the Introduction Chapter. This should also be heard in that context. The request to replace the nominated part of the ODP with that proposed is welcomed.	Defer to Chapter 3.	YES
1.1 Purpose	1162	James Wilson Cooper		GTODD Law	145.4	FS1162.4	Oppose	Reject	The further submission is rejected, as the original submission is partially rejected, but for reasons other than their submission.		
1.1 Purpose	197	Jeffrey Hylton			197.1		Support	Reject	It is not clear which section of the Plan this relates to. However, the need for resource consents is a measured response to the likely effects on the environment. Permits, such as those associated with Bylaws or other legislation are not addressed here.		
1.1 Purpose	243	Christine Byrch			243.2		Oppose	Reject	No support is provided for this emotional statement.		
1.1 Purpose	1224	Tim Williams	Matakauri Lodge Limited	C/- Southern Planning Group	243.2	FS1224.2	Oppose	Reject	The further submission is rejected as it is not relevant to the original submission.		
1.2 Legal Framework	21	Alison Walsh			21.3		Support	Accept			
1.2 Legal Framework	197	Jeffrey Hylton			197.2		Support	Accept			

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Lowest Clause	Submitter	Name	Organisation	Agent	Original Point No	Further Submission No	Submitter Position	Planner Recommendation	Issue Reference	Deferred or Rejected	Retain in existing hearing stream as well?
1.2.4 :	600	David Cooper	Federated Farmers of New Zealand		600.3		Other	Reject	Sections 1.2.1 to 1.2.4 are an abridged version of sections 9, 10, 10A and 11. Part 3 of the RMA. As simplification of the Plan is sought, and with due regard to readability, I consider that users of the Plan would reasonably refer to the legislation document if further detailed analysis was required. The suggested amendments would not add value to this chapter.		
1.2.4 :	1034	Julian Haworth	Upper Clutha Environmental Society (Inc.)		600.3	FS1034.3	Oppose	Reject	The further submission is rejected as it is not relevant to the original submission.		
1.2.4 :	1209	Richard Burdon			600.3	FS1209.3	Support	Reject	Rejected for the same reasons as the original submission.		
1.2.4 :	1342	Ben Farrell	Te Anau Developments Limited	John Edmonds & Associates Ltd	600.3	FS1342.3	Support	Reject	The further submission is rejected, as the original submission is rejected for reasons other than their submission.		
1.2.4 :	1040	Sue Maturin	Forest and Bird		600.3	FS1040.38	Oppose	Accept in Part	The opposition to the unnecessary additions are accepted, but further additions to the rule are rejected for the same reason as submission point 600.3.		
1.3 Cross Boundary Issues	21	Alison Walsh			21.4		Support	Accept			
1.3 Cross Boundary Issues	197	Jeffrey Hylton			197.3		Support	Accept			
1.3 Cross Boundary Issues	805	Aileen Crow	Transpower New Zealand Limited	Beca Limited	805.1		Other	Accept in Part	Council accepts the general support but rejects any additions. The provisions are not restricted to any specific activity and inclusion of one type, infrastructure, may be perceived as a bias towards it. The importance of infrastructure projects which may span boundaries is acknowledged, but I do not consider that this addition is necessary or more efficient than that which is proposed.		
1.4 Environmental Monitoring	21	Alison Walsh			21.5		Support	Accept			
1.4 Environmental Monitoring	197	Jeffrey Hylton			197.4		Support	Accept			
1.5 Review Procedures / Changes to the Plan	21	Alison Walsh			21.6		Support	Accept			
1.5 Review Procedures / Changes to the Plan	21	Alison Walsh			21.7		Support	Accept			
1.5 Review Procedures / Changes to the Plan	197	Jeffrey Hylton			197.5		Other	Reject	The life of a District Plan is currently ten years and following suitable environmental monitoring can be reviewed, then retained or amended. It is not practical to predict all future land uses, or to provide the definite protection that the submitter seeks.		

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Lowest Clause	Submitter	Name	Organisation	Agent	Original Point No	Further Submission No	Submitter Position	Planner Recommendation	Issue Reference	Deferred or Rejected	Retain in existing hearing stream as well?
1.6 How to use this Plan	197	Jeffrey Hylton			197.6		Support	Accept in Part	The general support is noted. The comments made by the submitter as to the efficiency and processes are not accepted and I do not not consider them useful.		
1.6.9:	243	Christine Byrch			243.3		Other	Accept in Part	The submitter requests confirmation of Council's powers on controlled activities. Section 104A of the Resource management Act 1991 - Determination of applications for controlled activities, states "After considering an application for a controlled activity, a consent authority - (a) must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity". This demonstrates that there are some circumstances where Council may not grant such a consent. I consider that the wording of the proposed provision is efficient and no changes are required.		
1.6.9:	1224	Tim Williams	Matakauri Lodge Limited	C/- Southern Planning Group	243.3	FS1224.3	Oppose	Reject	The further submission is rejected as it is not relevant to the original submission.		
1.6.11.	805	Aileen Crow	Transpower New Zealand Limited	Beca Limited	805.2		Other	Accept in Part	The text amendment provided by the submitter will add clarity to the paragraph and is accepted. I do not consider that the inclusion of a diagram is necessary, as other authorities are referred to and the text amendment will also include reference other policy documents, especially the Regional Policy Statement which the District Plan must give effect to.		
1.6.14.	805	Aileen Crow	Transpower New Zealand Limited	Beca Limited	805.3		Other	Accept in Part	The partial support is accepted but the amendments to the second paragraph are rejected. The second paragraph is inserted specifically to address consultation with Maori, and the amendments as sought would be a dilution of this and are not considered to be useful or efficient.		
1.6.14.	810	Tim Vial	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	KTKO Ltd	810.2		Not Stated	Accept in Part	The change of wording from Tangata Whenua to Manawhenua is more appropriately dealt with through the Tangata Whenua Chapter. As that chapter was co written by the submitter, input from the other co writers will need to be heard. The advice to refer to (iwi) environmental consultancies is an acceptable amendment, but may again be altered by the outcome of the requested 'Manawhenua' change.	Defer to Chapter 5.	NO
1.6.18.	145	Julian Haworth	Upper Clutha Environmental Society (Inc)		145.17		Other	Reject	The provision as written applies to all applications. I do not consider that including a specific instance is efficient and placing a possible restriction on the process for applications affecting sensitive landscapes and features is not conducive to the intention of the plan. Section 95A contains the self explanatory title - Public notification of consent application at consent authority's discretion.		
1.6.18.	1106	Matthew McCallum-Clark	Chorus New Zealand Limited	Incite	145.17	FS1106.1	Oppose	Accept			

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Lowest Clause	Submitter	Name	Organisation	Agent	Original Point No	Further Submission No	Submitter Position	Planner Recommendation	Issue Reference	Deferred or Rejected	Retain in existing hearing stream as well?
1.6.18.	1208	Ross Langford	Vodafone New Zealand Limited	Incite	145.17	FS1208.1	Oppose	Accept			
1.6.18.	1253	Matthew McCallum-Clark	Spark New Zealand Trading Limited	Incite	145.17	FS1253.1	Oppose	Accept			
1.6.18.	1336	Louise Taylor	Peninsula Bay Joint Venture	Mitchell Partnerships	145.17	FS1336.1	Oppose	Accept in Part	The reference to the vagueness of "very exceptional" is noted, and agreed, as is the view that the proposed amendment would be inefficient. The need to make allowances for possible future changes to legislation is speculative and is rejected.		
1.6.18.	1097	Jenny Carter	Queenstown Park Limited		145.17	FS1097.36	Oppose	Accept			
1.6.18.	1162	James Wilson Cooper		GTODD Law	145.17	FS1162.17	Oppose	Accept			
1.7 Information to be submitted	21	Alison Walsh			21.8		Support	Accept			
1.7.5	719	Tony MacColl	NZ Transport Agency		719.1		Oppose	Accept	The submitter considers that the additional requirements for information to be submitted with applications for Designations (Notices of Requirements) as listed are not effective. After further examination of relevant sections of the RMA, I consider that such applications are already required to be in the form prescribed in the RMA and further duplication of this is not required. The plan should be amended as follows: 1.7.5 Designations (Deleted)		
1.7.6	42	J, E & ML Russell & Stiassny		Andrew Lovelock of Gallaway Cook Allen	42.1		Other	Reject	The suggested amendments are partly addressed through the existing wording. Poles are to be in place prior to assessment and must remain in place until Council has completed the assessment. This does not give exact time frames before or after the assessment but some leeway is reasonable. I do not consider that including the erection of poles as a prohibited activity will add a rule to the chapter that is necessary due to the low environmental impact that the activity represents. The prohibited status would also remove the possibility of this widely used tool for matters outside resource consents.		
1.7.6	1300	Vanessa Robb	Wanaka Trust	Anderson Lloyd	42.1	FS1300.1	Oppose	Accept	This submitters opines that there are several reasons to disallow the amendment, with which I concur.		
1.7.6	1012	Alison Devlin	Willowridge Developments Limited		42.1	FS1012.12	Oppose	Accept	This submitter also identifies that there possible uses outside the resource consent process which would be invalidated with a prohibited status, with which I agree.		

Chapter 1 - Introduction

Lowest Clause	Submitter	Name	Organisation	Agent	Original Point No	Further Submission No	Submitter Position	Planner Recommendation	Issue Reference	Deferred or Rejected	Retain in existing hearing stream as well?
1.7.6	145	Julian Haworth	Upper Clutha Environmental Society (Inc)		145.1		Oppose	Reject	The inclusion of this provision is to allow council officers and others to assess the impact of buildings against their environments. This is in addition to the assessment of plans and other information submitted with the application and may not always be necessary for the officer to establish a view on the environmental impact. Limiting this to certain rural zones only, limits the opportunities for its use and I consider this to be too restrictive to be efficient.		
1.7.6	1162	James Wilson Cooper		GTODD Law	145.1	FS1162.1	Oppose	Accept			
1.7.6	1157	Amy Wilson-White	Trojan Helmet Ltd	Brown & Company Planning Group Ltd	145.1	FS1157.51	Oppose	Accept in Part	Buildings are also obviously anticipated in a number of zones.		
1.7.6	1313	Chris Ferguson	Darby Planning LP	C/- Boffa Miskell Ltd	145.1	FS1313.61	Support	Accept in Part	See 145.1		