

UPPER CLUTHA ENVIRONMENTAL SOCIETY (INC.)

Submission on Plan Change 51

Summary

1. The Society opposes the Plan Change in its entirety.
2. The Society supports the conclusions reached by the s.42A report and adopts this report.
3. The Society believes that the landowner is showing bad faith towards the community by proposing the plan change. Approval of the plan change threatens the integrity of the decision making process and will cause the community to lose faith in this process.

S42A Report

4. It would be a waste of time to rehash in detail issues discussed so thoroughly in the s.42A report. I will, however, highlight a few issues the Society sees as critical.
5. The key reasons given for rejecting the plan change are :
 1. Adverse effects on landscape and visual amenity values will be significant and cannot be sufficiently mitigated
 2. There will be ecological losses (rather than ecological gains claimed)
 3. Recreational amenity will be irreversibly compromised and these effects are not mitigated
 4. The intergenerational and irreversible effects of developing the subject site on landscape and amenity values, ecological values, and the quality of the environment are considered to outweigh the short term and minor benefits relating to efficient land use, economic benefits, and employment.
6. Addressing these in turn:
7. Point 1 is addressed by reference to the evidence of Ms. Diane Lucas below. The Society also relies on Dr. Read's landscape evidence as quoted in the s42A report.
8. Point 2 is addressed and supported by the Ms. Palmer's evidence. The Society adopts this.
9. In relation to Point 3 various members of the Society's committee are keen walkers and bikers; the entire committee is familiar with the subject site and is aware of its value as a recreation area that is handy to town. Ms. Galavazi's recreational evidence is adopted by the Society. The Society believes that the applicant's offer to improve existing tracks is a fig-leaf to cover the obvious adverse effects of its proposal. The local Upper Clutha Tracks Trust has been able to access funding to develop an extensive track network in the Upper Clutha vicinity; there is no reason to believe it could not raise funds to improve the tracks on the subject site should this be needed, which does not appear to be the case from the evidence.
10. Point 4 simply does not stand up to scrutiny. The Queenstown Lakes District already has sufficient land zoned for an additional 50-55,000 people according to District Plan evidence from Council planner Mathew Paetz¹. If, say, 80 people live in the 26

¹ DP Hearing Panel memorandum from Chairman Dennis Nugent; 11 March 2016

houses proposed this represents 0.16% of this number. It follows that the effect on housing availability, the economy and employment is de minimus in this context.

11. Of particular importance is the “irreversible” nature of the adverse effects the plan change promotes. Recent District Plan evidence for Council from Philip Osborne stated (my underline)²:

“It is important to note that as the District’s primary asset is its landscapes and natural environment.....It is also important to note that, from an economic viewpoint, I consider that it is appropriate to take a precautionary approach to the management of this resource as both its intrinsic value and profile are extremely difficult to retroactively repair if damage does occur.”

“Conversely the potential risk to both the current and future value of the natural landscape to tourism is substantial. The development of inappropriate activities within these valuable zones not only impacts on the viability of farming but also have the potential (by their nature of being inappropriate) to irreparably damage the value of the natural landscape and the associated \$2b per annum it generates in tourism spend.”

12. This should be seen in the context where Dr. Read categorises today’s entire subject site as Outstanding Natural Landscape.

Landscape Evidence

13. I have cut and pasted a few paragraphs of Ms. Di Lucas’s expert landscape evidence to Variation 15-Peninsula Bay Special Zone in December 2003 to show the landscape importance of the lakeside ridge³, today’s subject site. This evidence was part of the evidence that caused the Environment Court to decline Variation 15.

14. Ms. Lucas said (my underline):

“The kanuka shrubland is a distinctive natural feature of the Site, generically and cumulatively contributing much to the character of Wanaka and to the outstanding natural qualities of Lake Wanaka. The parkland effect on the Site is of high aesthetic value. The short tussock area is one of only a few such areas remaining around Wanaka and forms an important natural characteristic within the Site.

Kanuka is ecologically important, and also very important to local distinctiveness. Fully functioning kanuka communities contribute importantly to local natural science values.

Dominant kanuka is a key characteristic of the Upper Clutha area, a feature regarded as being “Wanaka”. It is important to sense of place, to its distinctiveness. Kanuka does not occur in the Wakatipu.

The kanuka-clad lakeside ridge is an important contributor to the lake setting for the Clutha Outlet/ Dublin Bay/ Stevensons Arm area (attachments 9 and 10 lower photo). The lakeside ridge forms a strong intermediate natural ridgeline dominated by native vegetation – kanuka shrubland stretches continuously from Beacon Point down the Clutha.

Numerous trails have been established over the site connecting with trails through the plantation and the kanuka in the Reserve. The two main trails are

² 6 April 2016; Paragraphs 3.7, 3.8 and 8.6

³ It should be noted that the kanuka on the ridge is now 13 years older than when this evidence was written and so is more developed and of even more value.

along the lakeside ridge, and up the southeastern boundary. The distinct ridge here is separated by a gully from the rest of the site, providing an ideal open space route.

The lakeside ridge is experienced as the most natural part of the site, and inextricably related to the lake experience, part of the lake landscape. In amongst the kanuka shrubland, it provides a very natural experience. The kanuka is significant, a major natural element, providing a strong visual association with the lake. The lakeside ridge largely avoids any experience of the town.

... ..the Beacon Point ridge and the lakeside ridge overlooking the lake. These ridges are significant parts of the landscape as experienced from the lake and from western land based views. They form the natural landform horizon, the natural setting to the lake with hardly any housing or other structures to be seen. The ridges appear unbuilt, that is highly natural.

....considerable loss of naturalness and remote quality will result from the visibility of built forms over the lakeside ridge, amongst the kanuka. There would be less kanuka. There would be more varied and colourful vegetation with garden plantings. The continuity of kanuka cover would be broken, the valued highly natural simplicity, openness, indigenouness and lack of structures would be degraded with extension of the Variation residential over the ridge lands

The entire lakeside ridge, over the crest, is the landform containing the lake and Outlet and its natural values are an important characteristic.

....perhaps 20 residences over the lakeside ridge. These would necessitate removal of a substantial amount of existing mature kanuka just to clear some of the building platforms, plus more for gardens and outdoor living spaces, and, for the creation of view shafts.

The evident presence of development on the lakeside ridge will have adverse effects on the relationship with the natural values of the lake margin."

15. It can be seen from these extracts that Ms. Lucas, a well-respected and experienced landscape architect, sees the lakeside ridge and the kanuka covering it of very high landscape value.

Decision Making Process

16. While the planner, I believe correctly, states that this is a de novo hearing and that there is no legal impediment to the plan change being approved, there is an issue concerning the Society's past involvement and the integrity of the whole decision making process.
17. The Society was party to the process in Variation 25 and was supportive of the "deal" between the applicant and Council whereby today's subject site would be retained as Open Space Zone (though the Society much preferred reserve status) and where the vast majority of the Variation 25 subject site was zoned for urban subdivision and development.
18. The reasons for taking this position can best be explained by reference to submissions made by the Society to Variation 25 in 2006.

"In general the Society does not object to the proposed rezoning of the Peninsula Bay site as proposed in the variation. The Society sees the proposal as an inevitable and logical extension to urban Wanaka in the future."

19. And in a further submission to Variation 25 (my underline):

The Society disagrees with the following statements made by Infinity Investments Ltd. [The Plan Change 51 landowner] in their submission:

"The Variation is consistent with the existing policies and objectives in the Partly Operative District Plan..... Those areas of sensitivity will be protected through open space zoning.....The objectives of the open space zone are effective in terms of achieving preservation of open space and landscape values."

The Society does not agree that by creating the open space zone landscape values will be preserved or protected.

The Society seeks that the areas marked as open space zone instead become Council or DOC reserves while retaining the current underlying Rural General zoning and that changes be made to the boundaries of these reserve areas as detailed in our original submission on map A.

The Society does not believe the new open space zoning will give adequate protection to these areas. There is no justification for the introduction of a new zoning, further unnecessarily complicating the Partly Operative District Plan. Council will have better and more effective control of these areas if they become reserves and are protected under the Reserves Act.

20. It can be seen that the Society pragmatically supported Variation 25 where it resulted in the rezoning of most of the subject site to create a new extensive largely urban zone, but sought the protection of today's subject site through reserve status. As the s.42A report explains, the applicant subsequently agreed to reserve status for this area.
21. Variation 25 resulted in a compromise, supported by Council, the Society and the developer, where the Peninsula Bay subject site was able to be developed as an urban zone worth tens of millions of dollars while a minor concession was made where a small part of the site, the lakeside ridge area, was zoned Open Space. The landowner recognised the importance of the Open Space zoning at that time.
22. It can be seen from the quotes that Society never trusted the applicant's own assurance that by creating an Open Space Zone landscape values would be protected. It preferred the area to be vested in Council as a reserve. Today's cynical application shows that the Society was correct to be cynical at the time. This becomes even more apparent given the landowners subsequent offer to grant reserve status to the subject site which it has now also decided to renege on.
23. In very grudgingly accepting the Open Space zoning in Variation 25 the Society relied on Council to administer the District Plan in a way that the Open Space Zone would remain protected from residential development. Which brings us to today's hearing.
24. If this plan change is approved developers will be encouraged to offer "deals" that on the face of it offer value to the community with the full knowledge that Council will support them in renegeing on the "deal" later.
25. Whether this is legal or not is not the issue; the issue is the integrity of the decision making process and the way a territorial authority administers its District Plan. As the s.42A report says:

"Approving the plan change would set a concerning precedent for vesting of reserve land for future staged subdivisions with open space zones."

And:

"I consider that the process that has occurred (whereby the developer has been allowed to defer the vesting of this part of the open space zone until the final subdivision stage (stage 6c) and has then applied for a plan change, which would require significant changes to those commitments) is undesirable and sets a precedent for the future."

Conclusion

26. The Society believes the plan change will not achieve the purpose of the Resource Management Act.
27. PC51 threatens the integrity of the Open Space zone. If this plan change is approved this will send a clear message that Open Space Zones can be overturned willy-nilly and that valid resource management arguments are not needed to delete Open Space Zones.
28. The Society calls for the landowner to abandon this plan change and stick by its statement in 2006:

"Those areas of sensitivity will be protected through open space zoning.....The objectives of the open space zone are effective in terms of achieving preservation of open space and landscape values."