BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991 (the "Act")

AND

IN THE MATTER of the Queenstown Lakes District Proposed District Plan

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LEGAL SUBMISSIONS FOR:

Darby Planning LP (#608),
Soho Ski Area Limited (#610),
Treble Cone Investments (#613)

Hearing Stream 1 (Chapter 3- Strategic Direction, chapter 4- Urban Development, Chapter 6- Landscapes)
18 March 2016

ANDERSON LLOYD
LAWYERS
QUEENSTOWN
Counsel: M A Baker-Galloway R E Hill
(maree.baker-galloway@andersonlloyd.co.nz/ rosie.hill@andersonlloyd.co.nz)

Level 2
13 Camp Street
PO Box 201
QUEENSTOWN 9348
DX ZP95010
Tel 03 450 0700
Fax 03 450 0799

1. Introduction

1.1 The submission by Darby Planning LP (DPL) addresses district wide provisions of the Proposed District Plan ("**PDP**") and complements the relief sought within the submissions from related entities each having more site specific interests, including:

(a) Glendhu Bay Trustees Limited (#583)

(b) Soho Ski Area (#610)

(c) Treble Cone Investments (#613)

(d) Jacks Point entities (#762 and (#856)

(e) Lake Hayes Ltd (#763)

(f) Lake Hayes Cellar Ltd (#767)

(g) Mount Christina Limited (#764)

1.2 These legal submissions are presented on the basis that scope is determined by the full range of submissions lodged to the DPR, not each individual submission. The authority for this is the High Court decision *Simons Hill Station Ltd v Royal Forest & Bird Protection Society of New Zealand Inc*[1]. Whilst at the time of writing the High Court decision was subject to appeal, counsel is involved in those proceedings and aware they are about to be withdrawn, therefore the High Court decision stands.

1.3 This High Court, in the context of that appeal under section 120 RMA noted the following with respect to scope;

> *"What is important is that the applicant is put on notice, by the submissions in their entirety, of the issues sought to be raised, so that they can be confronted by that consenting authority. In such situations I am satisfied there is no derogation from principles of natural justice by making all of those issues the subject of further consideration…"*[2]

1.4 That authority for collective scope is equally applicable to a local authority's determination of changes to a planning instrument after notification. Therefore, the panel is entitled to consider optimum solutions and changes to the PDP to address issues raised by all submitters. Each submitter may present solutions within these

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[1] *Simons Hill Station Ltd v Royal Forest & Bird Protection Society of New Zealand Inc* [2014] NZHC 1362.
[2] Ibid, at para 30

very wide parameters. As long as those solutions are within scope of all the submissions lodged, a submitter may address you on them.

1.5 It is noteworthy that such scope is also determined with respect to the Operative District Plan ("**ODP**") as a section 32 analysis under the Act requires the determination of alternatives (section 32(1)(b)(i)). It therefore follows that between the ODP, the PDP, and the various submissions being considered in this hearing, the scope for the Panel's consideration and ultimate determination is broad.

2. Summary of the Submitters' position

2.1 Counsel is aware that many submissions have been received and heard by the Panel on the same or similar issues to those which are raised in these submissions. Accordingly, it is Counsel's intention to provide a summary of those key issues insofar as they relate to the submitters represented in this submission, and to bring to the attention of the Panel any further additional matters which might be helpful for consideration.

2.2 The submitters generally support the PDP as notified, and as amended through Council's section 42A reports. The PDP aims to set a strategic, directive, and clear approach to providing for sustainable management of the District's natural and physical resources. It is generally considered that the structure and direction of the Plan is an improvement on the Operative framework, and subject to suggested amendments included in these submissions and the evidence of Chris Ferguson, the strategic level chapters are considered to be able to provide for an appropriately enabling regime that will protect the important values of the district, and enable optimised development where appropriate.

3. Diversification of the Rural Zone

3.1 The strategic direction chapters (3, 4, and 6) of the PDP are vital in providing a complete and coherent picture of the District's natural and physical resources which are to be sustainably managed. It is acknowledged that the District as a whole has a historical connection to agricultural production, as do most districts in NZ that are not urban/city based.

3.2 However that historical dominance has evolved and changed over time, and is no longer as fundamental in the current context. It is submitted that such a connection will continue to be less apparent for the District over the next 20 years (which this Plan will likely endure and should seek to provide for).

3.3 The current reality of the diversified uses and activities which take place in the Rural Zone should be recognised and provided for through the PDP. In particular this is important in the strategic direction chapters so as to promote an unbiased and balanced planning framework within which appropriate activities can be carried out in light of the particular environmental effects of those activities. That framework will accord and provide for the enabling and effects-based purpose of the RMA (rather than consideration of the activity itself).

3.4 To that end, it is submitted that the 'Rural Zone' (and those higher order provisions of the PDP which pertain to that Zone) should not provide a presumption that rural activities equal farming activities. In the instances of conflict in the interpretation of lower order provision of the Plan (i.e. rules) a decision maker will look to these higher order chapters and to ascertain the context and purpose of the Plan[3]. If those parts of the Plan provide preference for one sector of activity (based upon a historical connection) without regard to the particular effects of that activity then this will present an undesirable approach which is inconsistent with the effects-based premise of resource management planning, and may prevent appropriate development that would otherwise have acceptable effects.

4. Urban development

4.1 Incorporation of Urban Growth Boundaries (UGBs) into the PDP is now supported in principle. That approach is acknowledged as the requirement for the Plan to be forward looking in nature, as discussed by Fogarty J in *Wilson v Selwyn District Court*;

> *"Section 5(2) makes it plain that the Act requires a forward looking perspective. It embraces the concept of the use development and protection of natural and physical resources".*[4]

4.2 In assessing the reasonably foreseeable needs of future generations under section 5(2)(a) the Environment Court has suggested that *"two generations… was a minimum period to consider"*[5]

4.3 To that end, this submission supports those provisions within chapter 4 in particular which contemplate the management of urban growth, however suggestions are

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[3] *Powell v Dunedin City Council [*2005] NZRMA 174, at para 35; *"regard must be had to the immediate context …. And, where any obscurity or ambiguity arises, it may be necessary to refer to the other sections of the plan and the objectives and policies of the plan itself".*

[4] *Wilson v Selwyn District Court* [2005] NZRMA 76 (HC) at 65

[5] *Christchurch Regional Council v Christchurch City* Council EnvC Christchurch C217/2001, 6 December 2001 at 18

proposed in the evidence of Chris Ferguson which in particular seek to clarify the ability for 'non-urban' development outside of those UGBs to occur. Furthermore, there should be carefully crafted provision for 'urban development' to also occur outside of UGBs where appropriate, as set out in Mr Ferguson's evidence.

4.4 However, that does not appear to be the intention of Council in some respects, for example at para 12.63 of the Section 42A report (chapters 3 and 4);

> *"[the provision for UGBs] does not prevent peoples seeking private plan changes to amend the UGBs (indeed this possibility is contemplated by Policy 4.2.2.5) or making resource consent applications with a similar intent in specific locations where there is sufficient evidence to support urban development in areas outside the established UGBs. These applications will be considered on their own merits, in terms of environmental effects and their appropriateness…"*[6]

(a) To that end, the amendments sought to provisions in chapters 3 and 4 outlined in Chris Ferguson's evidence, pages 14-16 are suggested to align with the above intent expressed in the Council's section 42A report. Those changes, in particular to Policy 6.3.1.6 will help to provide consistency in application for (non-urban) development outside of UGBs.

5. Commercial Centres and Ski Area Sub Zones

5.1 Further to the reasoning above on diversification of the Rural Zone, recognition at a strategic level for the exemption of Ski Area Sub Zones (**SASZs**) from certain provisions is important so as to recognise their importance to the District's economy and identity.

5.2 The exclusion of Ski Area Sub Zones from consideration against the ONFL provisions is critical to the ongoing function of those zones. Ski activities are a fundamental feature of the district (much like farming) and provide significant economic and social benefits, with potential for more. That is a relevant determination under section 7(b) which it is acknowledged in the case of *Maniototo Environmental Society Inc v Central Otago District Council C103/09 (EnvC Christchurch)* .where Judge Jackson noted that those economic efficiencies should be considered in terms of benefit to the community or public rather than private benefit.

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[6] Section 42A Report, Chapter 3 and 4, para 12.63

5.3 Ski areas are a very significant part of the District's identity and the benefits received from their operation are certainly felt District-wide. Development and improvement of those areas should be encouraged and enabled.

5.4 Exclusion at both policy and rule level was contained in the PDP as notified but amended in the section 42A report. The amendment has significant effect, and seems to have been inadvertent as it renders the rule inconsistent with policy 6.3.8.3 to which is relates. Correction to provisions is sought. This correction is consistent with Council's intent which must be to not frustrate the future development opportunities within SASZs (which application of the ONFL provisions would do).

5.5 In the alternative, if the amendments to remove SASZs from their exclusion to the ONFL provisions were intentional by Council, then it is submitted that those zones are not capable of being classified as within the adjacent ONL because they do not meet the 'naturalness criterion of the *WESI/ Pigeon Bay*[7] factors for consideration. It is accepted that naturalness is a concept of varying shades of degree, however the level and extent of development which is undertaken in SASZs well goes beyond that level. The infrastructure, roading, housing, lighting and other man made influences are all significant factors which detract from naturalness. That reasoning applies equally where modification occurs on one part of what would otherwise be a contiguous landscape.

5.6 In *Campbell v Christchurch City Council* [2004] NZRMA 254 the Court determined that he Rural Port Hills could be described as outstanding natural landscapes but that the area of hillside suburbs could not be;

> *"once a landscape sis overlaid with reasonably degree of development, it can no longer be regarded as natural".*

6. **Commercial**

6.1 Further clarification is sought in respect of commercial areas recognised in the strategic chapters of the PDP so as to ensure all commercial areas within the District are adequately provided for; and in particular as relevant to the Jacks Point Zone. Those amendments suggested in Chris Ferguson's evidence at page 20 to Policy suite 3.2.1.2 are intended to clarify that those provisions should serve the

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[7] *Wakatipu Environmental Society v Queenstown Lakes District* [2000] NZRMA 59 and as modified in *Pigeon Bay Aquaculture Ltd v Canterbury Regional Council* EnvC C179/2003

primary function of recognising and providing for the mixed use function of the wider Frankton Area being one precinct entity.

7. Existing Environment

7.1 The proposed planning regime does not commence from a correct assessment of the existing environment as a starting point, and in respect of rural living and other rural development opportunities in particular, does not in all instances reflect Environment Court case law.

8. Section 32

8.1 There are some identified deficiencies of the section 32 analysis and in particular:

(a) the adequacy of assessment of the costs of provisions that will inhibit responsible diversification and development, in terms of foregone opportunities, and prevention of reasonable use of land;

(b) the assessment of alternatives (including the status quo) that will both enable responsible diversification and development, whilst protecting the district's natural and physical resources;

(c) the assessment of the efficiency and effectiveness of the provisions in achieving the objectives of recognising and providing for the values of rural land;

(d) Amendments to the planning regime are necessary to achieve the purpose and principles of the Act, including amendments to the provisions so as to achieve the most efficient and effective use of resources[8]. Section 7(b) is relevant in assessing the efficiency plan provisions under the Act as considered by the Environment Court in *Marlborough Ridge Ltd v Marlborough District Council*.[9]

[8] When considering *Under s35(2A) local authorities are required to prepare a report at least every five years on the results of their monitoring under s35(2)(b) for policy and plan efficiency and effectiveness*
[9] *Marlborough Ridge Ltd v Marlborough District Council.* [1998] NZRMA 73 (ENVC)

9. Relevant considerations post *King Salmon*- strategic direction and overarching approach

9.1 The most recent consideration of council's obligations in preparing or changing planning instruments post *King Salmon* is Judge Jackson division's decision; *Appealing Wanaka Inc v QLDC*[10] ("the Northlake decision"). In particular:

(a) The first set of obligations on the council is to ensure the district plan accords with the local authority's functions in section 31 of the RMA[11] the most complicated of which is achieving "*integrated management*";

(b) The second set of obligations in sections 74 and 75 involves the task of traversing all the provisions of superior documents above the district plan, including the principles of Part 2 of the Act[12] with the proviso now established by the Supreme Court that absent invalidity, incomplete coverage or uncertainty of meaning in the intervening statutory documents, there is usually no need to look at Part 2 of the RMA.[13] However in this case, the relevant superior documents are operative RPS (which is over ten years' old) and a newly proposed one with limited legal weighting under the RMA.

Integrated management – section 31

9.2 As to the first of those obligations, the Council's first and most general function from section 31(1)(a) RMA is as follows;

> *"the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:"*

9.3 The obligation of achieving integrated management necessarily reflects the language of the purpose of the Act in providing for the use development and protection of resources; otherwise commonly reiterated in the purpose of the Act of 'sustainable management'. It is submitted that the PDP as proposed attempts to prioritise the concept of 'protection' over 'use and development' and as such does not achieve integrated management of resources. Those provisions which provide for directive and unqualified language are also likely to cause future issues with

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[10] *Appealing Wanaka Inc v QLDC*10 [2015] NZEnvC 139
[11] Ibid, at para 40
[12] Ibid, at para 42
[13] Ibid, at para 45

respect to the interpretation of such language as evidenced by the Supreme Court in *King Salmon.*

9.4 Counsel is aware of other submissions put to this Panel with respect to the ability to provide for provisions in a planning instrument to afford a higher level of protection than that which is expressed in Part 2 of the RMA. Whilst that may be the case, adequate justification and a sound evidentiary basis must be proven to necessitate a departure from the Part 2 matters which must be recognised and provided for. It is submitted that this does not exist for a number of those absolute strategic direction and landscape provisions.

9.5 The determination of the word 'avoid' in the New Zealand Coastal Policy Statement was given its plain meaning of 'not allowing' or 'preventing the occurrence of'[14]. That determination turned out to be a vital factor in the determination of a level of permissible adverse effects from development when given effect to in a regional coastal plan. An example of such directive terminology is contained within policy suite 6.3.5, in which the overarching objective is to;

> ***6.3.5 Objective-*** *"Ensure subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC)".*

9.6 The first three policies (6.3.5.1, 6.3.5.2, 6.3.5.3) which sit under that objective are all absolute in nature and are restrictive with no enabling focus. It is acknowledged that subsequent policies 6.3.5.4 and 6.3.5.5 are more enabling, and policy 6.3.5.6 perhaps provides only a neutral assessment. However overall, and in light of the reasoning already put to this Panel regarding the importance of careful use of directive language in planning instruments post *King Salmon*, it is submitted that those first three policies will **effectively prohibit development** within the Rural Landscapes.

9.7 That consequence is not justified, and it is submitted, is likely not intended by Council. The costs and benefits of that consequence have not been assessed in the section 32 report.

9.8 Those provisions do not recognise and provide for appropriate activities which occur on those areas, and which in some instances, by necessity must occur on those areas; for rural visitor accommodation, rural living opportunities, tourism and rural commercial activities. Integrated management requires a holistic assessment of all of the natural and physical resources of the Queenstown Lakes District.

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[14] Above, n3, at 24

10. **Amendments required to achieve Part 2– Diversification of the Rural Zone**

10.1 The section 42A Officers' Report clearly acknowledges the multitude of submitters' concerns over the need to recognise rural land within the district for its diverse values, beyond those provided by productive agricultural practices[15].

10.2 Those submissions from submitters across the District exemplify that the District is much more complex than just an agricultural sector. Recognition of broader activities which exist within the rural sector and within landscape classifications including ONFLs is vital to the effective and efficient use of resources. At a strategic level, chapters 3 and 6 should provide for the recognition of the positive benefits which are derived from tourism, recreation, rural living, visitor accommodation, and other economically productive activities which do not have unacceptable adverse effects on the quality of landscapes or the rural environment.

10.3 The requirement to manage resources in accordance with section 5 of the Act is an enabling assessment, which is qualified by the sustaining, safeguarding and effects-based elements of subsection (a) (b) and (c) of section 5. The summary of the relationship between those parts of section 5, and in the context of determinations on a planning instrument are helpfully set out in *Day v Manawatu–Wanganui Regional Council* [2012] EnvC 325;

> *"There can be no doubt of course that enabling ... people and communities to provide for their ... economic ... wellbeing ... includes so enabling the farmers and communities of the Region. But that part of the purpose is not absolute, or necessarily even predominant. It must be able to coexist with the purposes in subparas a), b) and c). For the reasons already traversed, unless effective and thorough steps are taken to manage N leaching from the region's farms, none of those three purposes will be met"*[16].

10.4 Thus an effects-based assessment of all activities able to occur within acceptable limits should be provided for, rather than a focus on the sector from which those activities arise.

10.5 The section 32 does not justify these outcomes,. As stated above, the Environment Court in *Marlborough Ridge Ltd v Marlborough District Council* provides authority for the way in which section 7(b) RMA can be taken into account in decision making under section 32(1)(c); (emphasis added)

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[15] Section 42A Report, Chapters 3 & 4; para 12.108
[16] *Day v Manawatu–Wanganui Regional Council* [2012] EnvC 182 at 5-125

Section 32(1)(c) requires Councils (and, on appeal, this Court) to be satisfied that any plan or plan change can cross a two-step threshold:

> *(i) that the proposed rules are 'necessary' to achieve the purpose of the Act; and*
>
> ***(ii) that the proposed rules in the plan (change) are the most appropriate having regard to efficiency and effectiveness "relative to other means"…***
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> *"In our view both the necessity for and the appropriateness of a plan change need to be weighed against the existing plan (especially where the latter is a transitional plan) because necessity is a relative concept in this situation. A plan change only needs to be preferable in resource management terms to the existing plan to be 'necessary' and most appropriate for the purpose of the Act and thus pass the threshold test".*[17]

10.6 It is submitted that that authority is equally applicable for a plan review as it is for a plan change, and that the relevant section 32 Reports have not adequately assessed all potential productive (beyond the agricultural meaning of the word "productive") values of the rural land of the District in accordance with section 7(b) adequately. Furthermore, case law has established that all relevant resources must be taken into account;

> *"We consider that efficiency in section 7(b) of the RMA requires a consent authority to consider the use of all the relevant resources and, preferably, their benefits and costs. It is nearly meaningless to consider the benefits of only some of the resources involved in the proceeding because the artificial weighting created by sections 5 to 8 of the Act will not be kept within the statutory proportions if the only matters given the 'particular regard to' multiplier (see Baker Boys Limited v Christchurch City Council) in section 7(b) are those which are not identified elsewhere in section 7".****[18]***

10.7 The PDP favour's one activity over another, that being productive farming, without considering effects adequately. That approach is inconsistent with Environment Court case law which requires an assessment of efficiency of resources as against

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[17] Above, n 5, at 6.3
[18] *Lower Waitaki River Management Society Inc v Canterbury Reginal Council* C080/2009 (EnvC) at para 196

broader environmental factors, rather than an assessment against other potentially viable uses of resources. That has resulted in the potential exclusion of some activities in the rural zone which may have the same or similar (and acceptable) effects on the environment as those effects produced by agricultural practices. It also has the effect of redefining the role of farming as the gatekeeper to landscape protection with an associated burden that will place on farmers to preserve rural land for the public benefit.

10.8 The only reference in the s42A Report to the enabling concepts embodied in s7(b), and the related benefits, is;

> *"The purpose of the Rural Zone is to provide for farming activities and manage the effects of other activities seeking to utilise the rural land resource (ie: skiing, commercial recreation activities, mining, forestry and industrial activities)*[19]

10.9 It has already been discussed in the course of hearings undertaken whether the evidential basis for those policies which direct a preference to farming activities appear to be based upon a historical connection of the district to the *productive value of farming*[20]. Whilst acknowledging the District's historical past is a valid consideration, what is also important is a factual inquiry into the characteristics which are to be protected, and then the formulation of appropriate policies and objectives which recognise and provide for those characteristics[21].

10.10 With respect, it does not seem that the values of productive farming have been adequately quantified in order to justify the preference which is afforded to that sector through chapter 3 provisions. The weight placed upon a 'fundamental connection'[22] needing to exist between rural based activities to the landscape and its character is fundamentally flawed and is an error of the application of giving effect to sustainable management of resources.

10.11 In light of the above submissions of the RMA as being a forward –looking instrument and the requirement for decision makers to be forward looking, that 'fundamental connection' must be assessed in the current context; i.e. whether the existence of

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[19] s32 Evaluation Report – Landscape, Part 6 on page 22, second paragraph
[20] Reference to Objectives 3.2.1.6; and 3.2.5.5;
[21] This is the general approach from the High Court in *Man o War v Auckland Regional Council* in relation to the identification and provision for ONFLS.
[22] Section 42A Officers Report, chapter 3, page 33

rural living patterns in the Wakatipu Basin now reasonably can be say to afford a fundamental connection to rural productivity? And will that connection be relevant in 20 years' time?

10.12 The submitters support the amendments to provisions in the strategic directions chapter which provide for the recognition of tourism within the District[23], however those provisions are effectively undermined by the remaining 'farming- based' provisions of Chapter 3 (referred to above).

11. Giving effect to Part 2 RMA – *Urban Growth Boundaries (UGBs)*

11.1 The requirement to give effect to the sustainable management purpose in making decisions on this PDP are of vital importance in light of the current context of the higher order planning instruments which exist. The Operative Otago RPS came into effect in 1998 and is currently under the process of review and replacement through the proposed RPS (notified May 2015).

11.2 The stages at which the respective higher order documents are at means that there is essentially a 'gap' in the planning hierarchy; the eventual text of this Plan will have to *give effec*t to the operative RPS (although that document may well change in the course of decisions on this Plan Review). Given this outcome, Part 2 assessments are important for the Panel in determining the appropriateness of each provision of the Plan.

11.3 That proposition is further supported by the Supreme Court's reasoning in *King Salmon,* which was then helpfully summarised by Andrews J in the High Court case *Thumb Point Station Ltd v Auckland City Council;*

> *"In most cases, the Environment Court is entitled to rely on a settled plan as giving effect to the purposes and principles of the Act. There is an exception, however, where there is a* ***deficiency in the plan.*** *In that event, the Environment Court must have regard to the purposes and principles of the Act and may only give effect to the plan to the degree that it is consistent with the Act."*[24]

11.4 When analysing the provisions relating to urban development (as that term is defined) and UGBs in the PDP it is apparent that many do not accord with the sustainable management purpose of the Act. The evidence of Chris Ferguson speaks specifically to the provisions within chapters 3 and 4 relevant to UGBs which

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[23] Amended policy suite 3.2.1.4
[24] *Thumb Point Station Ltd v Auckland City Council* [2015] NZHC 1035 (HC) at para 31

provide an unbalanced regime whereby instances of *appropriate* development outside of UGBs will become very difficult, if not impossible. Counsel is aware of the specific examples already given to the Panel in this respect of 'residential-type' developments occurring outside of the UGB as permitted through the Operative Plan, such as Waterfall Park.

11.5 The key concern is that in providing for the next 10-20 years of growth within the District, there may become a gap in the policy framework for appropriate development in the zones which are not included within the mapped UGBs (although it is acknowledged that those boundaries may be subject to changes over the time through plan changes). This is considered to occur for two reasons;

(a) The restrictive and narrow approach provided for particular activities within the rural zone (as explained above); and

(b) The lack of provisions within chapters 3 and 4 which would otherwise contemplate (non-urban) development outside of UGBs

12. Strategic Direction and Certainty of the PDP

12.1 The submission by DPL raised concerns with the structure of the strategic directions chapter in relation to its relative importance within the framework of the PDP and other chapters and the inclusion of goals in addition to objectives and policies.

12.2 The s.42A Officers Report expresses its consideration of the purpose/ status of goals as follows;

> *"In my view the seven goals identified in the chapter should be viewed both as policy category headings, that help to provide order to the various objectives and policies, and as the framing of the environmental results expected from the policies*"[25]

12.3 It is submitted that such an explanation accords with the definition afforded to an 'objective' under the RMA in the case of *Ngati Kahungunu* as follows;

> *"The Concise Oxford is simple and direct: -an objective is ... a goal or aim. That simplicity sits perfectly well here - an objective in a planning document sets out an end state of affairs to which the drafters of the document aspire,*

[25] Section 42A Report, Chapter 3, Para 12.4

and is the overarching purpose that the policies and rules of the document ought to serve".[26]

12.4 It is submitted that this achieves the policy intent of the strategic direction chapter in that it is intended to offer primacy over the preceding chapters of the Plan. Such provisions will be critical in future instances should they be called upon as a deciding factor in instances of conflict (as in *Powell*).

12.5 As such, it is submitted that clarification is required for the structure of chapter 3 in particular which ensures clarity and provides certainty to achieve its title of 'strategic direction'. The amendments suggested by Chris Ferguson to insert new purpose statement 3.1 achieve this end.

12.6 Those 'Goals' and objectives which remain (if once amended in light of the above points raised in this submission) should then be clarified in status as to whether they are considered to be a higher level 'objective' which will ultimately be determinative under section 104 RMA decision making.

13. Conclusion

13.1 In summary, it is submitted that the strategic provisions require amendment along the lines set out in Mr Ferguson's evidence, because:

(a) rural land is a resource which now and in the future should support a broader range of activities than farming and includes conservation, recreation activities, tourism, employment and rural living opportunities;

(b) There should be greater clarity relating to the expectations of development, which is not urban, outside of the UGBs;

(c) Minor changes are required in respect of commercial areas, and Ski Area Sub Zones, to ensure the most appropriate framework is set up at the strategic level.

[26] Above, n 6, at 42

To be presented on 21 March 2014

Maree Baker-Galloway/ R E Hill

Counsel for Darby Planning LP (#608), Soho Ski Area Limited (#610), Treble Cone Investments (#613)