

Submitter DetailsFirst Name: **Nick**Last Name: **Geddes**Organisation: **Middleton Family Trust**On behalf of: **Attn: Nick Geddes Clark Fortune McDonald & Associates**Street: **PO Box 553**

Suburb:

City: **Queenstown**Country: **New Zealand**PostCode: **9348**Daytime Phone: **4416071**Mobile: **0210527311**eMail: **ngeddes@cfma.co.nz**

Trade competition and adverse effects:

 I could I could not

gain an advantage in trade competition through this submission

 I am I am not

directly affected by an effect of the subject matter of the submission that :

a. adversely affects the environment, and

b. does not relate to the trade competition or the effects of trade competitions.

Wishes to be heard:

 Yes No

Preferred hearing location:

 Ch 1 - Ch 2 - Definitions Ch 3 - Strategic Ch 4 - Urban

Introduction

Direction

Development

 Ch 5 - Tangata Ch 6 - Landscape Ch 7 - Low Ch 8 - Medium Density

Whenua

Density Residential

Residential

 Ch 9 - High Ch 10 - Arrowtown Ch 11 - Large Lot Ch 12 - Queenstown

Density

Residential Historic

Residential

Town Centre

Residential

Management Zone

 Ch 13 - Wanaka Ch 14 - Arrowtown Town Ch 15 - Local Ch 16 - Business

Town Centre

Centre

Shopping Centres

Mixed Use Zone

 Ch 17 - Ch 21 - Rural Zone Ch 22 - Rural Ch 23 - Gibbston

Queenstown

Residential and

Character Zone

Airport Mixed Use

Rural Lifestyle

 Ch 26 - Historic Ch 27 - Subdivision and Ch 28 - Natural Ch 30 - Energy and

Heritage

Development

Hazards

Utilities

 Ch 32 - Ch 33 - Indigenous Ch 34 - Wilding Ch 35 - Temporary

Protected Trees

Vegetation and

Exotic Trees

Activities and Relocated

Biodiversity

Buildings

 Ch 36 - Noise Ch 37 - Designations Ch 41 - Jacks Ch 42 - Waterfall Park

Point Zone

 Ch 43 -

Millbrook Resort

Zone

Submission

Attached Documents

File
Middleton_Submission_22_10_15

RESOURCE MANAGEMENT ACT 1991: FORM 5**SUBMISSIONS ON THE PROPOSED QUEENSTOWN LAKES DISTRICT COUNCIL
PLAN**

Clause 6 of the First Schedule, Resource Management Act 1991 – amended 30th August 2010.

TO: Mr Mathew Paetz

Planning Policy Manager

Queenstown Lakes District Council

Private Bag 50077

QUEENSTOWN

SUBMITTER:

Middleton Family Trust

(Arnold Andrew Middleton, Isabelle Gladys Middleton, Webb Farry Nominees Ltd & Steward Leslie Parker.)

We cannot gain an advantage in trade competition through this submission. We are, or could be, directly affected by the subject matter of the submission that:

- (a) adversely affect the environment; and
- (b) do not relate to trade competition or the effects of trade competition.

1.0 Introduction to the subject site

The submitters are the owners of the following:

- Sections 21, 24, 40, 41, 44, 61 Blk XXI Shotover SD.
- Section 93 Blk II Shotover SD.

The location of the above is highlighted in yellow on the Operative and Proposed Planning Maps contained in Attachment [A] of this submission.

The proposal does include land owned by Walter John Rutherford, William Thomas Cooney and Lynley Grace Hansen being:

- Sections 43, 44, 45, 52, 53, 54, 55, 60, Blk II Shotover SD
- Pt Section 47 Blk II Shotover SD
- Pt Section 123 & 124 Blk I Shotover SD
- Sections 130, 131 & 132 Blk I Shotover SD

The proposal includes two areas of Crown Land.

The location of the above is highlighted in green on the Operative and Proposed Planning Maps contained in Attachment [A] of this submission.

For the purposes of the current submission the above properties are referred to as the "subject site".

2.0 OVERALL ISSUES THAT HAVE DETERMINED THE APPROACH IN PREPARING THIS SUBMISSION IN RESPECT TO THE PROPOSED DISTRICT PLAN

2.2 Notwithstanding the above, the submitter opposes the Proposed District Plan for the following reasons;

It does not accord with, or assist the territorial authority to carry out its functions to achieve, the purpose of the Resource Management Act 1991 (the Act);

- i. It does not promote the sustainable management of resources;
- ii. It does not meet section 32 of the Act;
- iii. It does not consistent with Part II of Act;
- iv. It does not represent integrated management or sound resource management practice;
- v. It does not meet the reasonably foreseeable needs of future generations;
- vi. It does not implement the most appropriate standards, rules or methods for achieving the objectives set out in the Proposed District Plan.

3.0 SPECIFIC SUBMISSIONS

Without derogating from the generality of the above, the specific parts of the Proposed District Plan that this submission relates to are:

Submission 1: Rural General Zone

We OPPOSE the Rural General zoning of a land boarded yellow and orange on the Plan contained in Attachment [B].

- 3.1 In reviewing the Rural General Zone the Council has failed to take into account the changing nature of residential / rural activities along Tuckers Beach Road and the existing rural residential zone which adjoins the subject site.
- 3.2 The area to the east of subject site has been domesticated by the rural residential zone. When this zone reaches "full occupancy" it will significantly diminish any remaining rural character across the subject site.

- 3.3 The subject site has been occupied by the submitters for generations and amenity trees have been planted throughout the site that are complimented by extensive shelter belt planting and the proliferation of exotic willow trees adjacent water ways as become accepted.
- 3.4 The subject site is adjoined by the rising landform of Queenstown Hill to the west, ancient river terraces and Lake Johnson to the south and the Shotover River to the north. While a large portion of the subject site is contained in an area of the valley floor it does include an area of undulating topography to the east. Future development can be located within the subject site without detracting from the landscape and visual amenity of the wider Wakatipu Basin.
- 3.5 The proposed residential areas are accessed by a road network which is an extension of the access for the proposed Medium Density Zone from the Eastern Arterial Route / Stat Highway 6 roundabout. This access is sufficient in capacity to service the proposed residential zones.
- 3.6 The Council has failed to consult with landowners as to appropriate zoning for their land.
- 3.7 The Council's exercise in terms of land to be rezoned as part of the District Plan Review is not considered to be comprehensive and has failed to undertake a detailed analysis of zoning requirements and needs.
- 3.8 By not considering the rezoning of the subject site as part of the District Plan review the Council have missed an opportunity to provide additional rural residential and low density residential land.
- 3.9 The Council have also failed to assess if the current zoning can meet the objectives of the Rural Zone and Strategic Directions Chapter of the Proposed District Plan.

Submission 2: Section 32 Analysis Rural General Zone

- 3.10 The submitter is concerned to note that the Section 32 Analysis accompanying this Chapter of the Plan Review does not address all the Objectives included in the Plan Review itself. As a consequence, the submitter considers that the Plan Review should be withdrawn and re-notified for consideration once a complete document has been prepared. The submitter considers the omission of a complete Section 32 Analysis is a fundamental flaw in the plan review documentation, and that the Council cannot continue to process the Plan Review in the absence of this information.
- 3.11 Due to the apparent deficiencies of the Section 32 Analysis, the submitter considers that there will need to be scope to call any additional evidence in the course of the hearing required once full analysis has been provided. This might mean having to adjourn the hearing.

- 3.12 Notwithstanding the submitters concerns in respect of the above, the submitter makes the following submission in the event that the Council elect not to pursue the issue of an incomplete Section 32 Analysis.

Submission 3: Urban Growth Boundary

- 3.13 An Urban Growth Boundary is required which should be applied to the "Boundary of Proposed Low Density Residential Zone" as defined on the plan contained in Attachment [B].

Submission 4: Landscape Category Boundaries

We OPPOSE the location of the Landscape Category Boundaries.

- 3.14 Attachment [C] highlights the location of the Operative and Proposed Landscape Category boundaries.
- 3.15 It is clear that the Proposed District Plan Landscape Category Boundary is inaccurate by comparison to the boundary determined by Environment Court C169/2000.
- 3.16 The Read Landscapes "Report to Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features", dated 1 April 2014 provides analysis of the existing and proposed Landscape Category Boundaries. The Read Report provides commentary and analysis where the Boundaries of the Landscape Categories have been amended.
- 3.17 No justification has been offered in the Read Report as to why the Landscape Category Boundary has been moved from the boundary determined by Environment Court C169/2000.

Submission 5: Subdivision

We OPPOSE the proposed Chapter 27.

- 3.18 The purpose of Chapter 27 does not acknowledge that subdivision upon creation of a residential zone the subdivision of land within does not warrant a discretionary status in creating land parcels where the landuse and servicing have already been accepted.
- 3.19 There seems to have been no analysis or identification of the legal and technical issues created by including Subdivision and Development (Chapter 27) in the Proposed District Plan.

- 3.20 It is unclear if Stage 2 of the Plan review will create a new Subdivision and Development Chapter to apply to the remaining Chapters in Stage 2 or a Council variation will be undertaken for Chapter 27 to apply to those zones. Fundamentally the current approach promoted in the Proposed Plan review is lacking in completeness and sound resource management practice.
- 3.21 Proposed Chapter 27 seems to have been drafted to make all subdivision Restricted Discretionary without adequate analysis as to the effect of this. In order for the proposed residential zoning to occur as part of the review we are promoting a specific Controlled subdivision rule to apply.
- 3.22 We oppose all subdivision being a Restricted Discretionary Activity in the District without the benefit of a thorough analysis.
- 3.23 We submit that Subdivision should be a Controlled activity within the Low Density Residential Zone.

Relief Sought

Submission 1: Rural General Zone

The areas of Low Density Residential and Rural Residential depicted on the plan contained in Attachment [B] be adopted as part of the Proposed District Plan.

Provision be made in the proposed low density residential zone relating to this site for the protection of escarpment areas (hatched blue), and terrace edge protection above Lake Johnson (hatched red). Both areas have been hatched on the plan contained in Attachment [B] to this submission.

Submission 2: Section 32 Analysis Rural General Zone

The Plan Review should be withdrawn and re-notified for consideration once a complete Section 32 document has been prepared

Submission 3: Urban Growth Boundary

The Urban Growth Boundary should be applied to the "Boundary of Proposed Low Density Residential Zone" as defined on the plan contained in Attachment [B].

Submission 4: Landscape Category Boundaries

The Landscape Category Boundary be amended to reflect that approved by Environment Court decision C169/2000.

Submission 5: Subdivision

Restricted Discretionary status is removed from Part 27.5 of the Proposed District Plan and replaced with a controlled activity status for subdivision within the Low Density Residential Zone.

The submitter wishes to be heard in support of this submission.

If others make a similar submission, the submitter would be prepared to consider presenting a joint case with them at any hearing,

Signature: *A. A. Middleton J. G. Middleton*

Date: *21 / 10 / 2015*

Address for service of person making submission:

Clark Fortune McDonald & Associates

PO Box 553

QUEENSTOWN 9348

Attn: Nick Geddes

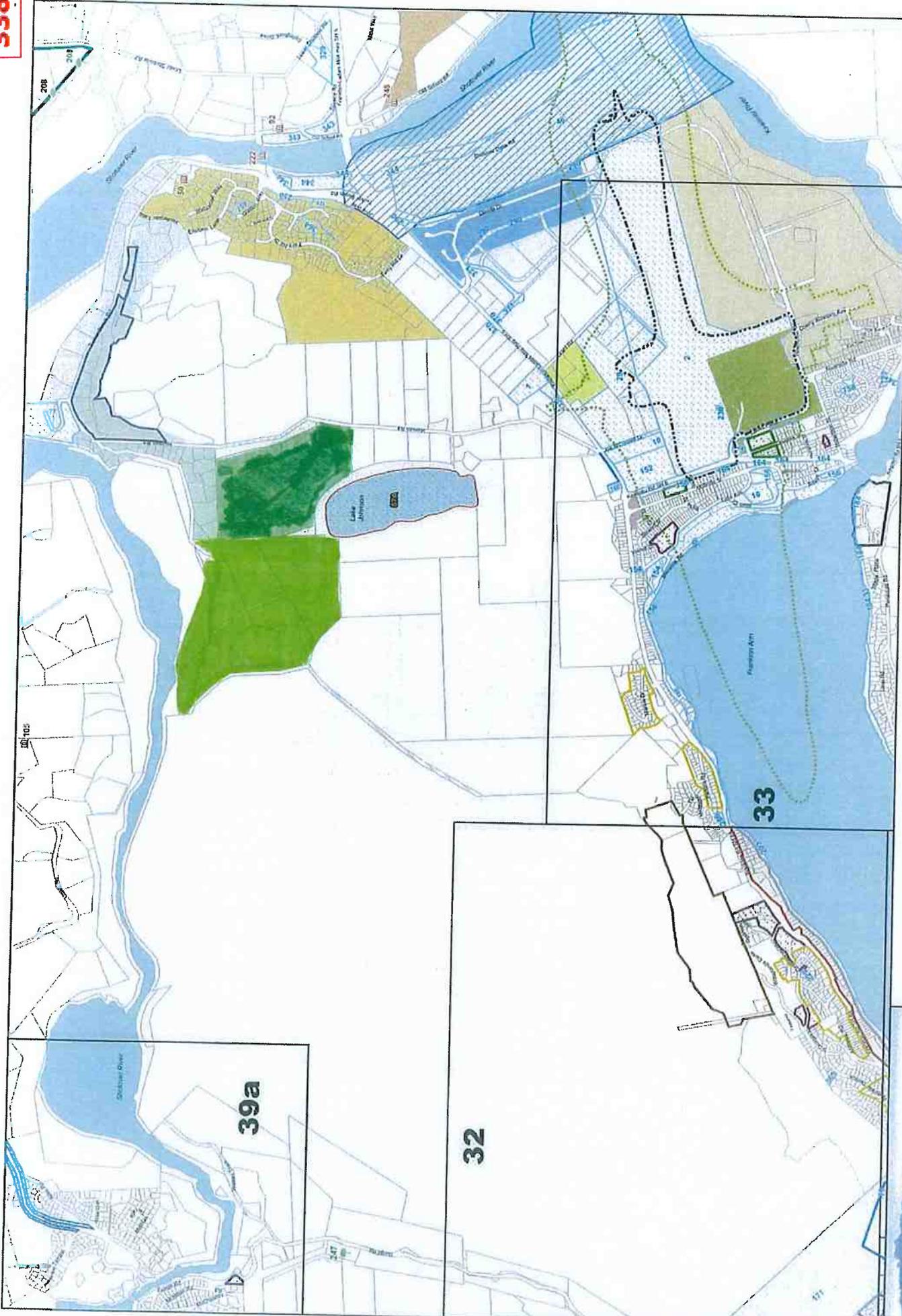
Telephone: 4416071

E-mail: ngeddes@cfma.co.nz

ATTACHMENT [A]

Location of Subject Property:

Operative and Proposed Planning Maps



Queenstown Lakes District Council
District Plan Maps

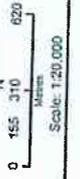
Map Printed: September 2013

Lower Shotover



QUEENSTOWN
LAKES DISTRICT
COUNCIL

Maps created by QLDC GIS Department



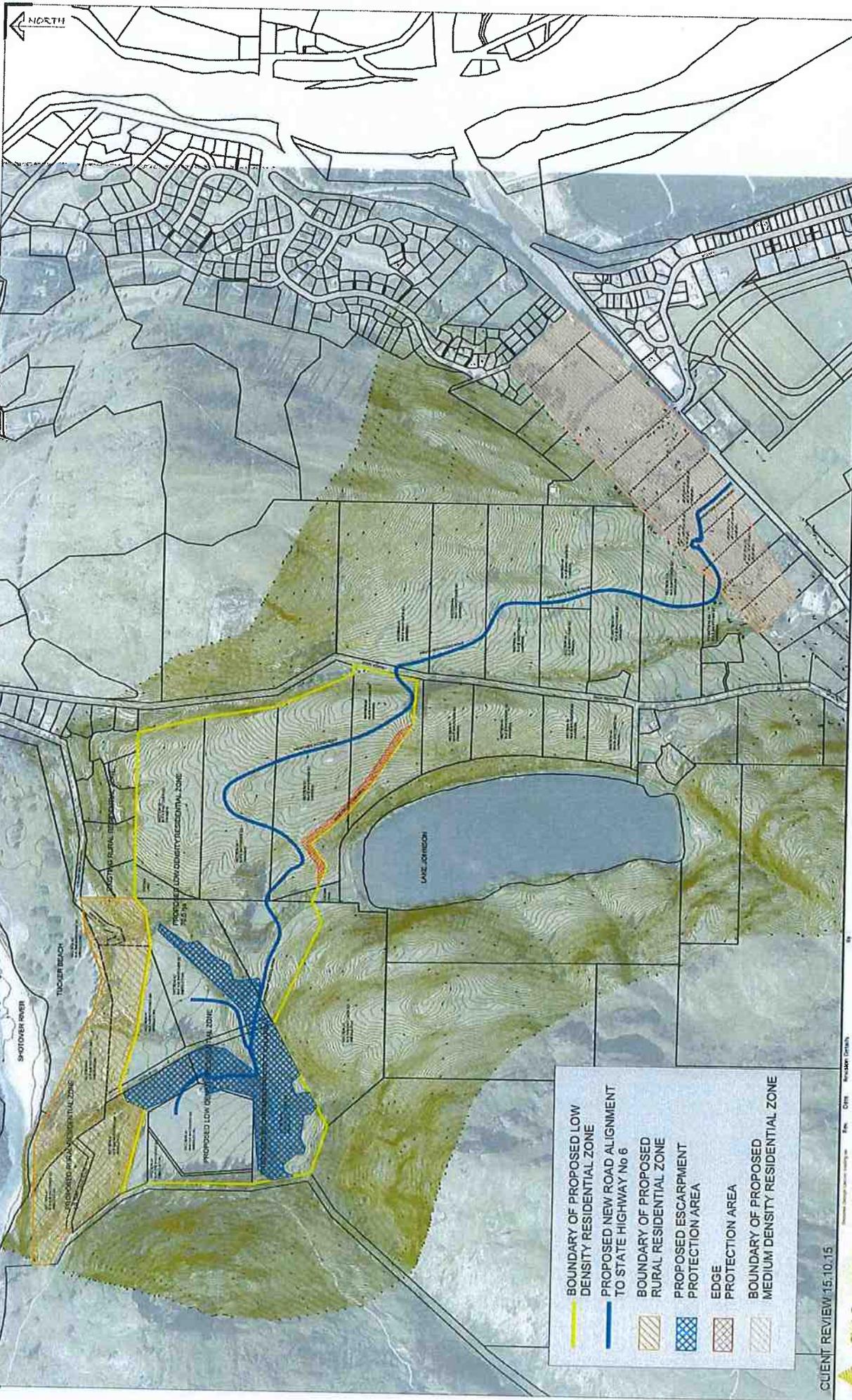
0 155 310 620
Meters



Printed boundaries derived from New Zealand Core Records System Vector Data (Crown) released from LINZ under the LITZ Licence Agreement

ATTACHMENT [B]

**Location and Layout of Rural Residential & Low
Density Residential Zones, protection areas and
new road alignment.**



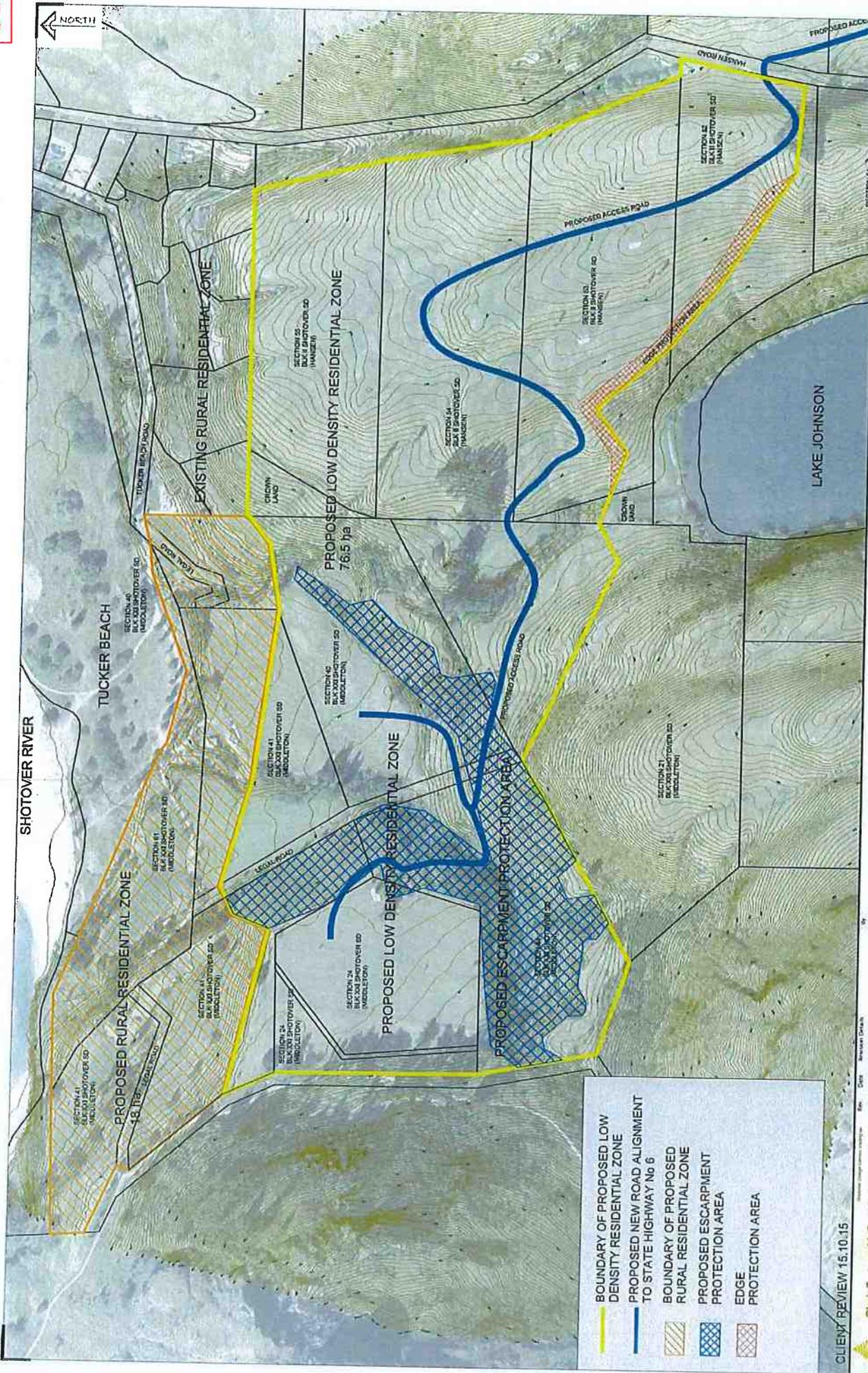
- BOUNDARY OF PROPOSED LOW DENSITY RESIDENTIAL ZONE
- PROPOSED NEW ROAD ALIGNMENT TO STATE HIGHWAY No 6
- BOUNDARY OF PROPOSED RURAL RESIDENTIAL ZONE
- PROPOSED ESCARPMENT PROTECTION AREA
- EDGE PROTECTION AREA
- BOUNDARY OF PROPOSED MEDIUM DENSITY RESIDENTIAL ZONE

CLIENT REVIEW 15.10.15

Clark Fortnum MacDonald & Associates
 305 Lower Shooter Road, P.O. Box 553 Overton
 Telf. (09) 441 6044, Fax (0) 3 442 1026, Email admin@cfma.co.nz
 Shop 2, Clapps House, 475 Mowbray Place, P.O. Box 51901
 Telf. (09) 470 1582, Fax (0) 3 470 1583, Email admin@cfma.co.nz
 5, COURT 11/100174, 25th Floor, 11/100174, 11/100174, 11/100174, 11/100174

PLAN OF PROPOSED LOW DENSITY RESIDENTIAL ZONE AND RURAL RESIDENTIAL ZONE, AND NEW ACCESS ROADING

Client: MIDDLETON FAMILY TRUST
Project No.: 11439
Drawing No.: 01
Date: 15.10.15
Scale: 1:5000 @ A1
Drawn: MM
Checked: MM
Designed: MM
Date: 15.10.15
Scale: 1:10000 @ A3
Drawn: MM
Checked: MM
Designed: MM
Date: 15.10.15
Scale: 1:10000 @ A3
Drawn: MM
Checked: MM
Designed: MM



- BOUNDARY OF PROPOSED LOW DENSITY RESIDENTIAL ZONE
- PROPOSED NEW ROAD ALIGNMENT TO STATE HIGHWAY No 6
- BOUNDARY OF PROPOSED RURAL RESIDENTIAL ZONE
- PROPOSED ESCARPMENT PROTECTION AREA
- EDGE PROTECTION AREA

CLIENT REVIEW 15.10.15

Clark Fortune McDaniel & Associates
 309 Lower Shotover Road, P.O. Box 553 Queenstown
 Tel: (03) 441 6044, Fax (03) 442 1056, Email info@cfma.co.nz
 2905 2, Otago House, 475 Mowbray Place, P.O. Box 5960
 Tel: (03) 479 3382, Fax (03) 476 1360, Email admin@cfma.co.nz

PLAN OF PROPOSED LOW DENSITY RESIDENTIAL ZONE AND RURAL RESIDENTIAL ZONE, AND NEW ACCESS ROADING

Client: MIDDLETON FAMILY TRUST		Drawn: MAF	Scale: 1:2,500 @ A1
Project No: 11439		Checked: MAF	Scale: 1:5,000 @ A3
Date: 15.10.15	Drawn: MAF	Date: 15.10.15	Drawn: MAF
Date: 15.10.15	Designed: MAF	Date: 15.10.15	Designed: MAF

15.10.15 01 Nov 2010 & NSL A

ATTACHMENT [C]

Operative and Proposed Landscape Boundaries

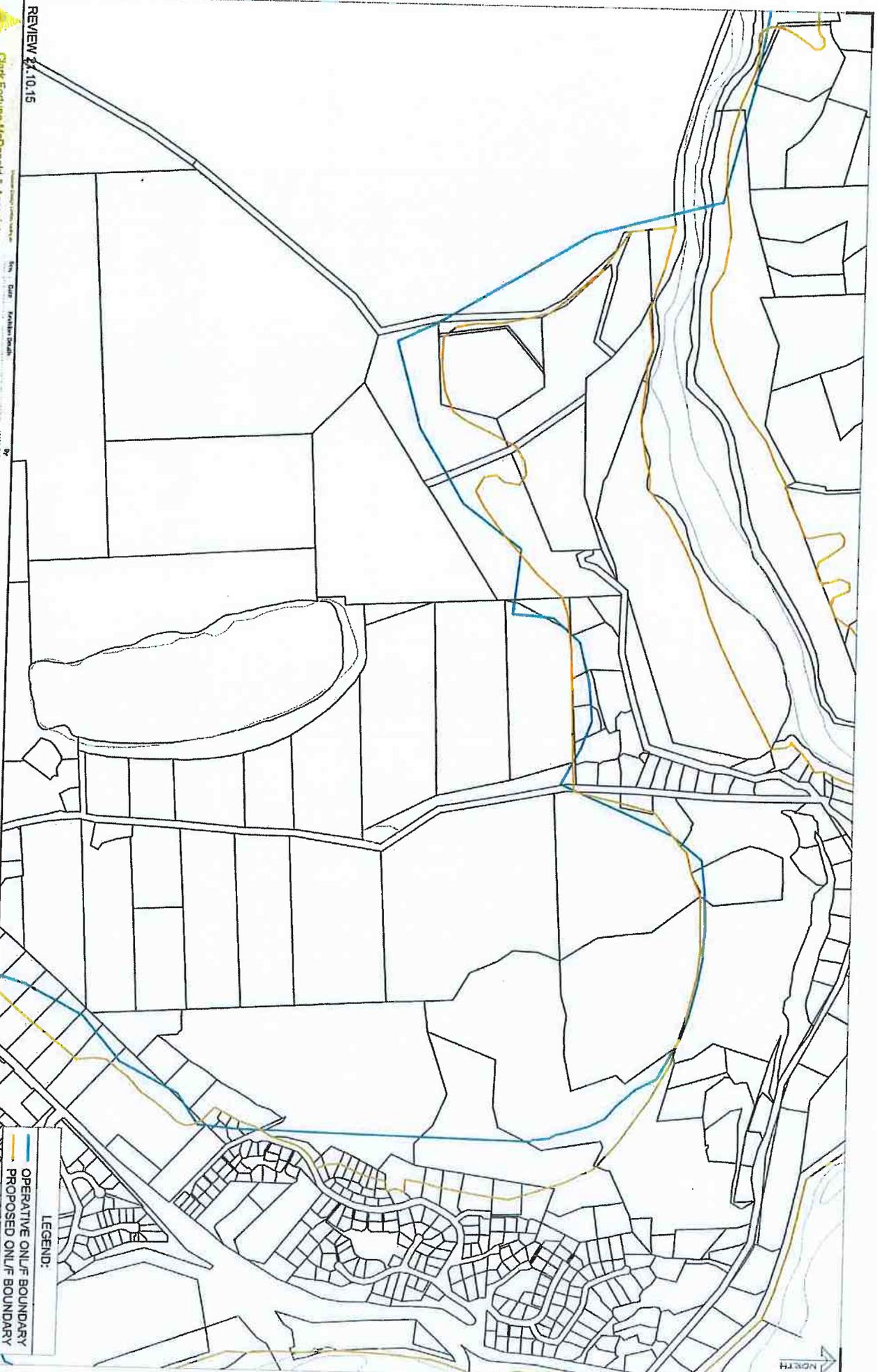
REVIEW 21.10.15

Clark Fortune McDonald & Associates
Urban and Regional Planning Consultants

309 Lower Shouwer Road, P.O. Box 533, Oatlands
Tel: (03)4741-6004, Fax: (03)4742-1096, Email: admin@cfma.co.nz

5909 2, Otago House, 475 Macey Place, P.O. Box 5960
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330858123012220000012224_01_NL_Compounding Fraser 21.10.2015



ONL/F COMPARISON MIDDLETON LAND

CLARK FORTUNE MCDONALD

SW : 12224 03.02
Scale 1:5000 @ A1
1:10000 @ A3
Date 29.04.10
Drawn & laid
TS

LEGEND:
— OPERATIVE ONL/F BOUNDARY
— PROPOSED ONL/F BOUNDARY

All boundaries shown on this plan are based on the information provided to the consultants by the client. The consultants have not conducted a field check of the boundaries shown on this plan. The client is responsible for the accuracy of the information provided to the consultants. The consultants accept no liability for any errors or omissions on this plan. The plan is for the use of the client only and is not to be used for any other purpose without the written consent of the consultants.

