

Appendix B - A copy of the Appellant's submission and further submissions

**SUBMISSION ON THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991**

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Darby Planning LP ("DPL") makes the submissions on the Proposed Queenstown Lakes District Plan ("PDP") set out in the **attached** document.

DPL confirms its submission does not relate to trade competition or the effects of trade competition.

DPL would like to be heard in support of its submission.

If other persons make a similar submission then DPL would consider presenting joint evidence at the time of the hearing.



Chris Ferguson

For and behalf of Darby Planning LP

23rd day of October 2015

OUTLINE OF SUBMISSION

This submission has been structured under the following headings:

Section A: Overview

Section B: Reasons for, and matters raised, in the Submission

Section C: Specific Submissions to the Proposed Queenstown Lakes District Plan

SECTION A: OVERVIEW

1. DPL is based in Queenstown and Auckland and provide master planning and design services for large-scale project work throughout New Zealand, Asia and the Pacific. Locally in the Southern Lakes area in association with related entities, DPL leads the design and planning of a number of successful projects.
2. The scope of this submission relates to the rural areas and in particular Chapter 21 of the Proposed District Plan (PDP) and the special zones of the district. The rural areas are an important and valuable resource and DPL has had a long experience in masterplanning and designing within those areas to achieve a balance between enabling appropriate use and management of resources while managing effects and protecting and enhancing amenity, ecological and conservation values. In particular:
 - (a) Jacks Point and surrounding land
 - (b) The area of the Blackmans Creek land outside of the Ski Area Sub Zone
 - (c) Parts of the land owned by Treble Cone Investment Holdings Ltd outside of the Treble Cone Ski Area
 - (d) Parkins Bay Resort – a consented development on the southern shores of Lake Wanaka near Glendhu Bay
 - (e) The residential area of the land owned by Mount Christina Ltd outside of the Rural Residential Zone near Paradise
 - (f) The Morven Ferry Farm land located on Morven Ferry Road
 - (g) Amisfield Bistro and Cellar
 - (h) Wyuna Preserve
3. DPL is continually investigating options to enable use, management and development of land and other resources while avoiding, remedying or mitigating any potential effects and minimising regulatory costs.
4. DPL has a proven track record and a strong ethic of land stewardship and management of resources sensitively through a master planning based approach that integrates use and management of land into the landscape in which they are located and wider environment.

SECTION B: REASONS FOR, AND MATTERS RAISED, IN THE SUBMISSION

Summary of Proposed Relief

5. DPL's interest in the Queenstown Lakes District Plan, primarily stems from the above land interests where they are located within the rural zone.

6. This submission does not seek to address any of the higher order provisions of the PDP or any of the district wide chapters, including Chapter 3 Strategic Directions, Chapter 6 Landscapes or Chapter 27 Subdivision. Submissions on these chapters are being advanced through the separate submission by DPL.
7. A number of changes are sought to the objectives and policies to align better with the relevant rules. DPL seeks to provide greater recognition within the policies to the value of rural land as a resource to provide for tourism, recreation and employment opportunities. Other changes are also sought to rules that are unclear or inconsistent.
8. The specific changes sought to the PDP provisions are detailed within Section C of this submission.

Importance of Rural Land for tourism, recreation and other activities

9. As outlined above, DPL have significant interests within the rural areas of the Queenstown Lakes District, including Jacks Point, Parkins Bay, Wyuna, Soho and Treble Cone Ski areas, Mount Christina, Amisfield vineyard and winery, Lakes Hayes and Morven Ferry. The general approach taken to land development within these areas places a high value on the protection and maintenance of landscape values. Equally, farming and rural based activities, including rural living and other accommodation are activities which are supported as a means of managing the land, together with the use of land for other recreation, landscape management or viticulture purposes.
10. DPL submits that the policies relating to the value of farming as fundamental to the management of landscape values are disproportionately weighted towards the protection of agriculture and fail to provide for those rural landscapes where pastoral farming does not occur such as within the conservation estate or other land held for recreation, visitor, residential or other purposes including ski areas.
11. As can be demonstrated through the range of projects undertaken through the master planning and design of DPL, rural areas are becoming increasingly diverse in their importance as a resource for not only farming, but also viticulture, visitor accommodation, residential, tourism and recreation activities, particularly where those activities enable ecological, open space, conservation public access and amenity values to be protected and enhanced. The policies need to recognise and provide for those activities as contributing to both the diversity and protection and enhancement of the full breadth of values in relation to rural land that positively contribute to the District's social, cultural and economic well-being.

Special Purpose Zones

12. DPL is concerned with the number of special purpose zones located across the District in sensitive landscapes, which have existed for several years and remain undeveloped or under developed. DPL understand that for the most part these special purposes zones will be addressed as part of the second stage of the plan review and hence wishes to raise the issue through this submission of the need for the Council to thoroughly evaluate the costs and benefits of retaining such zones.
13. For such areas an appropriate option that the Council should consider is rezoning them to rural, having regard to the relevant objectives of the PDP and meeting the purpose of the Act.

Consequential and Further Changes

14. DPL seeks to make any similar, alternative and/or consequential relief that may be necessary or appropriate to address the matters raised in this submission or the specific relief requested in this submission.

SECTION C: SPECIFIC SUBMISSIONS TO THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as <i>italic strike-through</i>]
Chapter 21 - Rural		
Objective 21.2.1	<p>Oppose</p> <p>The objective is worded in the form of a policy rather than an aspirational outcome to be achieved. Furthermore it seeks the protection of the listed values, resulting in a disconnect with the supporting policies and rules which enable the modification of such values through use and development.</p> <p>Protection of the listed values would be an inappropriately high test for use and development to meet, except where such protection is appropriate, e.g. to avoid adverse effects on outstanding natural features and landscapes, and significant indigenous flora and fauna. Protection of such resources is otherwise addressed in the objectives and policies in Chapters 3 and 6 of the Plan.</p>	<p>Amend Objective 21.2.1 as follows:</p> <p><i>Enable farming, permitted, and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.</i></p> <p><u><i>Land uses which maintain or enhance the landscape, natural, cultural, and amenity values of rural areas are enabled.</i></u></p>
Policy 21.2.1.1	<p>Oppose</p> <p>The policy seeks the protection of the listed values, resulting in a disconnect with the supporting rules which enable the modification of such values through use and development.</p> <p>Protection of the listed values would be an inappropriately high test for, use and development to meet, except where such protection is appropriate, e.g. to avoid adverse effects on outstanding natural features and landscapes, and significant indigenous flora and fauna. Protection of</p>	<p>Amend Policy 21.2.1.1 as follows:</p> <p><i>Enable farming activities or other activities appropriate to the rural environment while protecting, maintaining, and enhancing the indigenous biodiversity, ecosystem services, recreational values, the landscape, and surface of lakes and rivers and their margins.</i></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
	those resources is otherwise addressed in the objectives and policies in Chapters 3 and 6 of the Plan.	
Policy 21.2.1.2	<p>Support in Part</p> <p>The policy seeks that the development of farm buildings does not adversely affect landscape values, resulting in a disconnect with the supporting rules which enable the modification of such values through use and development of farm buildings. Not enabling any adverse effect would be an inappropriately high test for use and development of farm buildings to meet.</p>	<p>Amend Policy 21.2.1.2 as follows:</p> <p><i>Provide for Farm Buildings associated with larger landholdings where the location, scale and colour of the buildings will not adversely affect <u>maintains</u> landscape values.</i></p>
Policy 21.2.10.1	<p>Support in Part</p> <p>The recognition of diversification of farming through enabling complementary activities is supported to achieve the strategic and landscape specific objectives and policies. The policy could however provide clearer direction on the types of complementary activities that are appropriate to diversify rural land use. 6</p>	<p>Amend Policy 21.2.10.1 as follows:</p> <p><i>Encourage</i> <u><i>Enable revenue producing activities, including complementary commercial recreation, residential, tourism, and visitor accommodation that diversifies and can supports the long term sustainability of farms in the district, particularly where landowners take a comprehensive approach to maintaining and enhancing the natural and physical resources and amenity or other values of the rural area.</i></u></p>
Policy 21.2.10.2	<p>Support in Part</p> <p>The requirement that complementary activities in rural areas maintain and enhance landscape quality, character, rural amenity, and natural values is supported to achieve the strategic and landscape specific</p>	<p>Amend Policy 21.2.10.2 as follows:</p> <p><i>Ensure that revenue producing activities, including commercial recreation, residential, tourism, and visitor accommodation utilise natural and physical resources (including buildings) in a way that</i></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]		
	objectives and policies. The policy could however provide clearer direction on the types of complementary activities that are appropriate.	<i>maintains and enhances landscape quality, character, rural amenity, and natural values.</i>		
Policy 21.2.10.3	<p>Support in Part</p> <p>The recognition of diversification of farming through enabling complementary activities is supported to achieve the strategic and landscape specific objectives and policies. The policy should also list tourism as an appropriate activity within farms to diversify rural land use which may enable landscape values to be sustained in the longer term.</p>	<p>Amend Policy 21.2.10.3 as follows:</p> <p><i>Recognise that the establishment of complementary activities such as commercial recreation, <u>recreation, tourism</u> or visitor accommodation located within farms may enable landscape values to be sustained in the longer term. Such positive effects should be taken into account in the assessment of any resource consent applications.</i></p>		
Rule 21.4.2 Farming Activities	<p>Support</p> <p>The permitted status for farming activities is appropriate.</p>	Retain Rule 21.4.2 unchanged.		
Rule 21.4.3 Farming Activities	<p>Support</p> <p>The permitted status for the construction or addition to farm buildings is appropriate.</p>	Retain Rule 21.4.3 unchanged.		
Rule 21.4.6 Residential Activities, Subdivision, and Development	<p>Support in Part</p> <p>The permitted status for a residential unit on an approved building platform is appropriate, however the rule should be clarified to make it clear the rule relates to the activity only as buildings are otherwise addressed under Rules 21.4.7 - 21.4.8.</p>	<p>Amend Rule 21.4.6 as follows:</p> <table border="1" data-bbox="1339 1118 2168 1235"> <tr> <td data-bbox="1339 1118 2033 1235"><i>One residential unit within any building platform approved by resource consent (<u>activity only, the specific rules for the construction of buildings apply</u>).</i></td> <td data-bbox="2033 1118 2168 1235">P</td> </tr> </table>	<i>One residential unit within any building platform approved by resource consent (<u>activity only, the specific rules for the construction of buildings apply</u>).</i>	P
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Rule 21.4.7 Residential Activities,	<p>Support</p>	Retain Rule 21.4.7 unchanged.		

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
Subdivision, and Development	The permitted status for the construction and exterior alteration of buildings within an approved building platform is appropriate.	
Rule 21.4.8 Residential Activities, Subdivision, and Development	<p>Support</p> <p>The permitted status for the exterior alteration of if a lawfully established building located outside of an approved building platform is appropriate.</p>	Retain Rule 21.4.8 unchanged.
Rule 21.4.12 Residential Activities, Subdivision, and Development	<p>Support</p> <p>The permitted status for residential flats is appropriate.</p>	Retain Rule 21.4.12 unchanged.
Rule 21.4.25 Informal Airports	<p>Support</p> <p>Permitted activity status for informal airports is supported.</p>	Retain Rule 21.4.25
Rule 21.5.15 Buildings	<p>Support in Part</p> <p>The rule is supported in part as part of the package of standards relating to building supporting permitted activity status. It is unclear however whether the rule will capture materials that have no applied finishes such as locally sourced stacked stone, untreated wood, unpainted concrete. This concern applies equally to the proposed standards relating to roof and walls colours.</p> <p>In terms of external finishes, this standard should be amended to relate to any material with or without any applied finish so as to capture the spectrum of possible material and colour combinations. Locally sourced stacked stone, such as schist, constructed in any number of ways (dry</p>	<p>Amend Rule 21.5.15 Buildings, as follows:</p> <p><i>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</i></p> <p>All <u><i>Exterior materials shall be:</i></u></p> <p><u><i>21.5.15.1 surfaces shall be</i></u> coloured in the range of browns, greens or greys (except soffits), including;</p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
	<p>stacked, bagged, rendered, etc) may depending on light conditions fail to meet the very low reflectance standard of 30% for exterior finishes. The natural variation in this natural materials colour and types of construction techniques make it very hard to determine such a value. However it is a material with a long associated tradition of use for building in central Otago and regarded as being a material that would contribute to a high quality finish.</p> <p>On that basis, rule 22.5.15 should be amended to ensure both the roof and external surfaces standards capture natural or manufactured materials that are treated or untreated together with an exemption relating to locally sourced stone (e.g. Schist).</p>	<p>21.5.15.12 Pre-painted steel and all <u>For roofs shall have a reflectance value not greater than 20%; and,</u></p> <p>21.5.15.23 All other surface finishes shall <u>For all other external surfaces have a reflectance value of not greater than 30%. Except that this rule shall not apply to any locally sourced stone (e.g. schist)</u></p> <p>21.5.15.3 <i>In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period.</i></p> <p><i>Discretion is restricted to all of the following:</i></p> <ul style="list-style-type: none"> • <i>External appearance.</i> • <i>Visual prominence from both public places and private locations.</i> • <i>Landscape character.</i> • <i>Visual amenity.</i>
Rule 21.5.19 Exterior Colours of Buildings	<p>Support in Part</p> <p>The rule is supported in part as part of the package of standards relating to building supporting permitted activity status. It is unclear however whether the rule will capture materials that have no applied finishes such as locally sourced stacked stone, untreated wood, unpainted concrete. This concern applies equally to the proposed standards relating to roof and walls colours.</p> <p>In terms of external finishes, this standard should be amended to relate to any material with or without any applied finish so as to capture the spectrum of possible material and colour combinations. Locally sourced stacked stone, such as schist, constructed in any number of ways (dry stacked, bagged, rendered, etc) may depending on light conditions fail to meet the very low reflectance standard of 30% for exterior finishes. The</p>	<p>Amend Rule 21.5.19 as follows:</p> <p><i>Exterior colours of buildings</i></p> <p><u>Exterior materials shall be:</u></p> <p>21.5.19.1 All exterior surfaces shall be coloured in <u>In the range of browns, greens or greys (except soffits).</u></p> <p>21.5.19.2 Pre-painted steel, and all <u>For roofs shall have a reflectance value not greater than 20%.</u></p> <p>21.5.19.3 Surface finishes shall <u>For all other external surfaces have a reflectance value of not greater than 30%. Except that this rule shall not apply to any locally sourced stone (e.g. schist)</u></p> <p><i>Discretion is restricted to all of the following:</i></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
	<p>natural variation in this natural materials colour and types of construction techniques make it very hard to determine such a value. However it is a material with a long associated tradition of use for building in central Otago and regarded as being a material that would contribute to a high quality finish.</p> <p>On that basis, rule 22.5.19 should be amended to ensure both the roof and external surfaces standards capture natural or manufactured materials that are treated or untreated together with an exemption relating to locally sourced stone (e.g. Schist).</p>	<ul style="list-style-type: none"> • <i>External appearance.</i> • <i>Visual prominence from both public places and private locations.</i> • <i>Landscape character.</i> • <i>Visual amenity.</i>
21.7.1 Outstanding Natural Landscapes (ONF and ONL)	<p>The reference in the assessment matters that the applicable activities are inappropriate in almost all locations within the zone predetermines the proper assessment of subdivision and development proposals, and is inappropriate within the assessment matters.</p> <p>The appropriateness of subdivision and development in ONF and ONL should be considered squarely against the specific qualitative assessment matters.</p>	<p>Amend Assessment Matter 21.7.1 as follows:</p> <p><i>These assessment matters shall be considered with regard to the following principles because, in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the zone:</i></p>
21.7.2 Rural Landscape Classification (RLC)	<p>The reference in the assessment matters that the applicable activities are inappropriate in many locations within Rural Landscapes predetermines the proper assessment of subdivision and development proposals, and is inappropriate within the assessment matters.</p> <p>The appropriateness of subdivision and development in Rural Landscapes should be considered solely against the specific qualitative assessment matters.</p>	<p>Amend Assessment Matters 21.7.2 as follows:</p> <p><i>These assessment matters shall be considered with regard to the following principles because in the Rural Landscapes the applicable activities are inappropriate in many locations:</i></p>

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Section A: Overview

Section B: Reasons for Submission

Section C: Specific Submissions to the Proposed Queenstown Lakes District Plan

SECTION A: OVERVIEW

1. DPL is based in Queenstown and Auckland and provides masterplanning and design services for large-scale project work throughout New Zealand, Asia and the Pacific. Locally in the Southern Lakes area in association with related entities, DPL leads the design and planning of a number of successful projects.
2. Those projects are in the following locations:
 - Jacks Point Resort
 - Wyuna Station
 - Soho Ski Area and Blackmans Creek
 - Treble Cone Ski Area
 - Parkins Bay Resort
 - Man Street Car Park
 - Mount Christina
 - Glenorchy
 - Morven Ferry Farm
 - Lake Hayes
 - Amisfield Vineyards, Winery and Restaurant
3. The diversity of these projects and related land interests include rural property development, ski area development and operations, farming, a commercial car park, commercial offices, viticulture and commercial wine production, restaurant operation, golf course development and operation.
4. DPL is continually investigating options to enable use, management and development of land and other resources while avoiding, remedying or mitigating any potential effects and minimising regulatory costs.
5. DPL has a proven track record and a strong ethic of land stewardship and management of resources sensitively through a masterplanning based approach that integrates use and management of land into the landscape in which they are located and the wider environment.

SECTION B: REASONS FOR SUBMISSION

This submission relates to the following matters and seeks to achieve the following outcomes;

6. DPL's interest in the Queenstown Lakes District Plan primarily stems from the above land interests. These projects are located within and around the two main urban areas of Wanaka and Queenstown.
7. In many cases, development has involved reliance on the certainty provided by the relevant statutory planning document to establish and operate activities such as the Treble Cone and Soho ski areas and Jacks Point through the relevant District Plan zones. In other respects,

where zoning is not available or effective, certainty has been created through resource consent processes.

8. In many cases, landscape and amenity values have been key resource management issues to address. These have been addressed through a combination of detailed resource studies seeking to understand the natural and physical resources, and careful landscape design.
9. The Strategic Direction, Urban Development, Landscape and Subdivision chapters of the PDP introduce a number of new provisions which provide much more regulation, reduce certainty, increase transactional costs and reduce effectiveness and efficiency relative to the operative plan.
10. Outlined below are key reasons which flow across the District Wide chapters and are referred to within specific relief.

Strategic Directions

11. DPL supports the addition of a strategic direction chapter to provide the high level direction for the plan and in terms of framing up the key issues to be addressed by the PDP. However DPL submits that the benefits of having strategic directions in the PDP are reduced by the construction of the provisions that include the addition of goals, which read as objectives and many policies which replicate the policies in other chapters.
12. DPL submits that the clarity of messages within the strategic directions chapter could be enhanced by:
 - (a) Stating the objectives only, which will require the integration of the goals with objectives and restating some policies as objectives;
 - (b) Eliminating the many polices that are duplicated elsewhere in the plan; and
 - (c) Introducing a new objective that more clearly establishes the relationship of the strategic directions objectives with the remainder of the PDP.

Urban Growth

13. The provisions of the PDP seek to play a much greater role in the management of urban growth. The relevant new objectives and policies seek to introduce controls on Urban Development in particular through the creation of Urban Growth Boundaries. The focus of the policies are on the concentration of urban development within existing urban areas and related settlements together with the introduction of stronger policies to avoid urban development within rural areas.
14. DPL considers that this approach has a number of problems that it believes will fail to address the issues relating to outward expansion of settlements and fragmentation of rural land. The proposed policy structure is framed around controlling Urban Development. That term is defined to include “*any development/activity within any zone other than the rural zones...*”. That definition excludes rural zone and therefore fails to capture the fragmentation of rural land that can occur through subdivision or development that is not urban and undertaken in accordance with the provisions of the rural zone.
15. By way of example the policies and rule framework proposed in relation to the landscape values and subdivision within the rural area retain the no minimum allotment size regime together with policies that seek to “*allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any rural*

*landscape*¹. The creation of the urban growth boundaries will not on their own therefore address the more significant issues facing the fragmentation of rural land through rural subdivision within the Rural Landscape Classification (formerly VAL and ORL's).

16. In contrast, the objectives and policies proposed to manage ONF/L's have a much stronger basis for protection and avoidance of subdivision or development². These provisions are now accompanied by the identification of landscape classifications on the Planning Maps and this method is supported as a means of increasing the certainty of managing landscape values and plan interpretation. Together, the proposed framework of the landscape mapping and related policies, establish a clear and high threshold of protection of the landscape values within ONF's. The creation of urban growth boundaries will not add to that level of protection and may confuse the clear direction provided through identifying landscapes on the planning maps.
17. For these reasons, DPL submits that PDP should delete urban growth boundaries. DPL submits that the focus of the PDP provisions relating to urban growth should instead be on consolidation growth within the main urban areas and settlements of the District; managing the fragmentation of land within the rural landscape classification and in particular the cumulative effects of subdivision and development; the creation compact and well integrated urban areas; and co-ordinating growth with relevant infrastructure.
18. Also for these reasons, DPL submits that the PDP needs to provide more incentive for landowners to volunteer permanent enhancement and protection of important landscape and biodiversity values, as part of proposals to develop in rural locations.

Value of Rural Land and Landscapes

19. As outlined above, DPL has significant interests within the rural areas of the Queenstown Lakes District, including Jacks Point, Parkins Bay, Wyuna, Soho and Treble Cone Ski areas, Mount Christina, Amisfield vineyard and winery, Lakes Hayes and Morven Ferry. The general approach taken to land development within these areas places a high value on the protection and maintenance of landscape values. Equally, farming and rural based activities, including rural living and other accommodation are activities which are supported as a means of managing the land, together with the use of land for other recreation, landscape management or viticulture purposes.
20. DPL submits that the policies relating to the preference for farming as the means to protect landscape values are disproportionately weighted towards the protection of agriculture and fail to provide for those rural landscapes where pastoral farming does not occur such as within the conservation estate or other land held for recreation purposes including ski areas. Farming is one method for using rural resources productively, but its long term sustainability is uncertain particularly in this district, and there are other uses of rural land that are compatible with the protection of landscape values. Other natural factors, processes and human activities have shaped the landscape of the district in addition to farming.
21. As can be demonstrated through the range of projects undertaken by DPL, rural areas are becoming increasingly diverse in their value as a resource for not only farming, but also viticulture, tourism, rural living, visitor accommodation and recreation activities. The policies need to recognise and provide for the value of tourism, rural living, visitor accommodation,

¹ Policy 6.3.5.1, Page 6-5, Proposed Queenstown Lakes District Plan (2015)

² Objective 6.3.4 Protect, maintain or enhance the Districts Outstanding Natural Landscapes (ONL); and Policy 6.3.4.1 Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change, Page 6 – 5, *Ibid*

employment and recreation activities on rural land that positively contribute to the regional economy.

22. On this basis, DPL seek to include changes to the provisions of the PDP that recognise the benefits of tourism, employment and recreation activities, subdivision and the value of rural land with value beyond farming and agriculture, while managing landscape values in the face of those uses.

Subdivision

23. The notified provision within Chapter 27 Subdivision and Development also provide a significant change in approach to the management of subdivision through the default status of subdivision as a discretionary activity (unrestricted), the removal of matters of control and related assessment matters and the reformulation of an expanded suite of objectives and policies to establish the framework formerly covered through the controlled activity regime under the operative District Plan. Coupled with these changes are an expanded non-notification clause relating to most discretionary activities subdivisions to remove risk of notification.
24. The basis for this change in approach is purported to be driven by a desire to increase efficient through a reduction in the length and complexity of the provisions and the number of bespoke provisions that have evolved to address certain zones over the life of the operative plan.
25. DPL submits that the Council has failed to properly assess the options in undertaking this approach in relation to transaction costs, resource consent processing time, uncertainty and hence relative efficiency of other approaches, including a retention of the status quo under s.32 of the Act.
26. Subdivision is a key process to realise the development aspirations of the PDP, facilitate investment through a clear understanding of the outcomes which can be anticipated for any given zone or area. As a discretionary activity (unrestricted) case law has established that the activity may be regarded as being appropriate to the zone, but not necessarily on every site. A case by case assessment is required and despite the certainty provided for non-notification of some discretionary activities, there is no certainty subdivision will be approved.
27. As a result there is a much greater potential for Council to take inconsistent approaches to subdivision, as each requires a case by case assessment. This might be a valid approach which could be effective in a District with relatively few resource consents. The situation in Queenstown however, is that there are significant pressures on housing affordability, near record numbers of resource consents being processed by the Council, and a genuine need to deliver effectively and efficiently. Central Government is addressing the housing shortage within Queenstown under the HASA legislation and already criticisms are being made this is not delivering. This is occurring within the backdrop of the operative plan provisions where certainty is provided through controlled activity status.
28. The process of investment in land for the creation of housing may be impaired if developers are unable to determine the yield or outcomes available through a discretionary activity regime. It follows that if high demand for subdivision continues, if not now but again during the life of the District Plan, the management of subdivision consents on a case by case basis will present a significant challenge to the Council and developers.
29. On this basis, DPL seeks changes to Chapter 27 Subdivision to introduce controlled activity status for subdivision, where prescribed standards relating to allotment size and services are met.

Section 32

30. Further grounds for the submission points outlined in the above table are that:

- (a) The section 32 evaluation does not establish that the objectives are most appropriate for the district to achieve the purpose of the Act.
- (b) The benefits and costs of the effects of the provisions referred to above have not been appropriately assessed or quantified in accordance with section 32 of the RMA, nor have they been assessed with regards to their suitability for giving effect to the relevant objectives. In particular, the objectives and policies in the Rural chapter which provide a strong preference for agriculture/ farming activity have not been adequately justified. The proposed plan as notified does not strike an appropriate balance between accepting the inevitability of growth within the district, and how landscape values can be managed in light of this growth. The over importance placed upon farming activities in the Rural Zone renders much of this land incapable of efficient and effective future use and development. Farming is one method of utilising rural resources but the economic opportunities in the future are uncertain. Other activities that require a rural location such as residential and tourism uses may also provide economic wellbeing for landowners and the wider community. These activities should be supported and enabled through clear policy objectives and rules.
- (c) The provisions in the Rural and Strategic Direction chapters which create an emphasis on the protection of all landscapes without provision for appropriate use and development. This approach does not achieve the sustainable management purpose of the RMA. This submission seeks that all such policies and objectives are tempered in light of the sustainable management language of the RMA. The District Plan should balance the protection and use and development of all natural and physical resources, taking into account particular section 6 and 7 matters requiring protection and maintenance. Any objectives and policies which provide for a higher level of protection than that specified in Part 2 of the RMA without clear justification in a section 32 analysis should either be deleted or tempered accordingly.
- (d) The alternative provisions sought by way of relief in this submission have not been appropriately identified and assessed in accordance with section 32 of the RMA.

Relief sought:

31. I seek the following decision from the local authority: that the Proposed Plan be amended as requested in the Table below, together with any alternative, additional, or consequential relief necessary or appropriate to give effect to the matters raised in this submission and/ or the relief requested below.

SECTION C: SPECIFIC SUBMISSIONS TO THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

Specific Provision	Submission	Decisions Sought [New text shown <u>italics</u> and deleted text shown as <i>italic-strike-through</i>]
Chapter 3 Strategic Directions		
3.1 Purpose and structure	<p>Support in part</p> <p>Section 3.1 includes statements relating to the over-arching nature of the chapter, which provide the direction for the more detailed provisions relating to zones and specific topics. It appears from these statements the objectives and policies within this chapter are intended to achieve primacy over the other district wide and zone specific chapters within the district plan.</p> <p>The Strategic directions chapter includes goals, objectives and policies and is the only chapter within the notified plan to do this. It is unclear what role the goals provide with respect to any one of the matters which shall or may be included within a district plan under s.75. In our view, an objective is a goal and having the two together creates uncertainty.</p> <p>Given this uncertainty and the apparent primacy given to the strategic directions chapter, DPL submits that goals be removed from this chapter and that the goals and policies of this chapter be expressed as objectives only. Removing policies will serve to reinforce the primacy of the strategic directions chapter within the PDP and remove the uncertainty relating to the status of goals.</p>	<ol style="list-style-type: none"> 1. Delete Goals, 3.2.1 to 3.2.7 and incorporate each into the relevant objective 2. Integrate all of the policies within Chapter 3 into the relevant objectives so that all policies are removed 3. Or, in the alternate, amend the relevant policies in the manner set out within this submission and detailed below.

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as <i>italic strike-through</i>]
<p>3.2.1 Goal – Develop a prosperous, resilient and equitable economy</p>	<p>Oppose</p> <p>DPL submits that the Strategic Directions chapter should include the high level objectives setting out the direction of the plan for management of the commercial and business areas.</p> <p>The Council has drawn on the work completed by McDermott Miller Limited as part of the s.32 report for this chapter to examine the business zone capacity and formulation of a zoning hierarchy. This work includes a range of suggested objectives and policies relating to the development of a hierarchy of centres, the provision of additional business land, to address the character of existing centres, the amenity of land near centres and to provide for a well-connected and efficient network of transport modes within and between centres.</p> <p>DPL submits that the Strategic Directions chapter should establish the overarching strategy and centres based approach to management of the business activity. This should also include stating the objectives establishing the roles of the Queenstown and Wanaka CBD's, the relationships with other centres within each town and the management of transport connections between each.</p>	<p>1. Introduce objectives supported by policies to the Strategic Direction chapter with the purpose of:</p> <ul style="list-style-type: none"> (a) Establishing the overarching strategy and centres based approach to management of business activity; (b) Defining the role of centres, including the Queenstown and Wanaka CBD's; (c) Providing direction on the relationship and interdependencies between centres; and (d) Recognising that Act's purpose can be achieved by appropriate use, management and development, including in rural areas, where a balance is struck between enabling proposed activities and protection and enhancement of important visual, recreational, conservation and ecological values through measures such as management plans, consent notices and private covenants that form part of applications for resource consent
<p>Objective 3.2.1.2 Recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and</p>	<p>Support</p> <p>The review of the Jacks Point Zone provides for a significant area of land within the Village and Education Innovation Campus Activity Areas. These areas will provide an important role in service and employment activity outside of the Queenstown central business areas.</p>	<p>Retain Objective 3.2.1.2</p>

Specific Provision	Submission	Decisions Sought [New text shown <u>italics</u> and deleted text shown as <i>italic strike-through</i>]
Wanaka central business areas in the District.	DPL supports the recognition, development and sustaining of such services at Jacks Point through this Objective.	
Policy 3.2.1.2.1 Avoid commercial rezoning that would fundamentally undermine the key local service and employment function role that the larger urban centres outside of the Queenstown and Wanaka central business areas fulfil.	<p>Oppose</p> <p>DPL oppose this policy on the basis that “avoidance” sets too high a threshold and also given that the plan does not define with sufficient certainty the key local service and employment roles for the larger urban centres outside of Queenstown and Wanaka.</p> <p>DPL submits that the PDP needs to define the commercial hierarchy as part of the strategic directions chapter in order to gain an understanding of how subservient policies will operate.</p>	Delete Policy 3.2.1.2.1
Objective 3.2.1.3 Enable the development of innovative and sustainable enterprises that contribute to diversification of the District’s economic base and create employment opportunities.	<p>Support</p> <p>DPL supports Objective 3.2.1.3 for the general reasons expressed above and in particular as provides appropriate strategic direction for</p> <ul style="list-style-type: none"> i) the establishment of the education innovation precinct and other commercial initiatives within the Jacks Point Resort Zone; and ii) The continued investment and diversification of commercial and business enterprises within the ski area sub – zones. 	Retain Objective 3.2.1.3
Policy 3.2.1.3.1 Provide for a wide variety of activities and sufficient	Support	Retain Policy 3.2.1.3.1

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as <i>italic strike-through</i>]
capacity within commercially zoned land to accommodate business growth and diversification.	DPL supports Policy 3.2.1.3.1 for the general reasons expressed above.	
Objective 3.2.1.4 Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests.	<p>Support in part</p> <p>DPL supports this Objective in so far as it recognises the value of rural areas beyond farming and rural production. DPL have significant interests within the rural areas of the Queenstown Lakes District, including Jacks Point, Parkins Bay, Wyuna, Soho and Treble Cone Ski areas, Mount Christina, Amisfield vineyard and winery, Lakes Hayes and Morven Ferry farms. In addition, the rural areas in the Queenstown Lakes District also encompass national parks, conservation areas, private recreation activities and areas of significant employment activity as well as a range of residential and visitor accommodation activities.</p> <p>As demonstrated through this and the range of projects undertaken by DPL, rural areas are becoming increasing diverse in their value as a resource for not only farming, but also viticulture, employment, tourism and recreation activities. DPL submits that the policy should be expanded to recognise and provide for the value of tourism, employment and recreation activities on rural land that positively contribute to the regional economy.</p>	<p>Delete Objective 3.2.1.4 and replace with the following:</p> <p><u><i>The natural and physical resources of the rural areas are valued for their potential to:</i></u></p> <p>i) <u><i>enable tourism, employment, rural living, visitor accomodation and recreation based activities; and</i></u></p> <p>ii) <u><i>accommodate a diverse range of rural based activities and industries that have a functional need to locate in rural areas</i></u></p>
<p>Objective 3.2.2.1 Ensure urban development occurs in a logical manner:</p> <ul style="list-style-type: none"> • to promote a compact, well designed and integrated urban form; • to manage the cost of Council infrastructure; and 	<p>Support in part</p> <p>DPL supports Objective 3.2.2.1 for the reason expressed above and in particular as it provides direction in terms of the form of urban development.</p> <p>The wording of the objective however could be improved to remove internal inconsistencies, such as between “ensure” within the introductory text and Promote, manage</p>	<p>Amend Objective 3.2.2.1, as follows:</p> <p><u><i>Objective 3.2.2.1 Ensure u</i></u><i>Urban development; occurs in a logical manner:</i></p> <ul style="list-style-type: none"> • <i>to promote a</i> <u><i>has a</i></u> well designed and integrated urban form; • <i>to manages</i> <u><i>the cost of Council infrastructure; and</i></u> • <i>to protects</i> <u><i>the District’s rural landscapes from sporadic and sprawling urban development</i></u>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
<ul style="list-style-type: none"> to protect the District's rural landscapes from sporadic and sprawling development 	<p>and protect within the related bullet points. In addition, DPL submits that the "logic" of urban development can be too subject to wide interpretation as can the meaning of sporadic and sprawling development. A number of amendments are sought which are proposed to improve understanding and provide greater clarity.</p>	
<p>Policy 3.2.2.1.1 Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jack's Point), Arrowtown and Wanaka.</p>	<p>Oppose</p> <p>DPL oppose the creation of urban growth boundaries for the general reasons expressed above. DPL submits that the policy would remain relevant if it was amended to focus on the concentration of urban growth around the urban areas of the Wakatipu Basin.</p>	<p>Amend Policy 3.2.2.1.1, as follows:</p> <p><i><u>Apply Urban Growth Boundaries (UGBs) is concentrated around the urban areas in the Wakatipu Basin (including Jack's Point), Arrowtown and Wanaka.</u></i></p>
<p>3.2.2.1.2 Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs.</p>	<p>Oppose</p> <p>DPL oppose Policy 3.2.2.1.2 for the general reasons expressed above. DPL submits that the adverse effects of urban development are appropriately managed through the strong objectives and policies and landscape lines relating to the ONF/Ls and in terms of the objectives and policies relating to rural areas. DPL seeks to have Policy 3.2.2.1.2 deleted.</p>	<p>Delete Policy 3.2.2.1.2</p>
<p>3.2.2.1.3 Manage the form of urban development within the UGBs ensuring:</p> <ul style="list-style-type: none"> Connectivity and integration with existing urban development; 	<p>Support in Part</p> <p>DPL support Policy 3.2.2.1.3 in part as it seeks to manage the form of development of urban areas. DPL are generally opposed to the creation or urban growth boundaries, for the general reasons detailed above, and also submit that the relating the policy to urban growth boundaries will unnecessarily constrain the benefits of this</p>	<p>Amend Policy 3.2.2.1.3, as follows:</p> <p><i><u>Manage the form of urban development within the urban areas of the District to provide UGBs ensuring:</u></i></p> <ul style="list-style-type: none"> <i>Connectivity and integration with existing urban development;</i> <i>Sustainable provision of Council infrastructure; and</i>

Specific Provision	Submission	Decisions Sought [New text shown <u><i></i></u> and deleted text shown as <i></i>]
<ul style="list-style-type: none"> • Sustainable provision of Council infrastructure; and • Facilitation of an efficient transport network, with particular regard to integration with public and active transport systems 	<p>policy direction relating to urban form. For these reasons DPL seek to amend the Policy to provide focus instead on managing the form of development within all urban areas of the District.</p>	<ul style="list-style-type: none"> • <i>Facilitation of an efficient transport network, with particular regard to integration with public and active transport systems</i>
<p>3.2.2.1.5 Ensure UGBs contain sufficient suitably zoned land to provide for future growth and a diversity of housing choice.</p>	<p>Oppose</p> <p>DPL oppose Policy 3.2.2.1.5 as it fails to provide any meaningful direction: it has no measurable targets relating to the scale of growth, the time period over which the policy relates to or the type of growth (employment, residents, visitors, etc). A diversity of housing choice added at the end simply compounds an otherwise confused policy. For these reasons DPL seeks to delete policy 3.2.2.1.5.</p>	<p>Delete Policy 3.2.2.1.5</p>
<p>Policy 3.2.2.1.6 Ensure that zoning enables effective market competition through distribution of potential housing supply across a large number and range of ownerships, to reduce the incentive for land banking in order to address housing supply and affordability.</p>	<p>Oppose</p> <p>DPL opposes Policy 3.2.2.1.6 on the basis that zoning as a technique it not by itself considered an effective measure to provide market competition through distribution of housing supply. A district plan is prepared to cover a 10 year time frame during which land ownership pattern can change dramatically. Neither is zoning considered an effective measure to address land banking. DPL seeks to have Policy 3.2.2.1.6 deleted.</p>	<p>Delete Policy 3.2.2.1.6</p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
Objective 3.2.4.4 Avoid exotic vegetation with the potential to spread and naturalise.	<p>Support in part</p> <p>Objective 3.2.4.4 is drafted as a policy and provides very little difference to the related Policy 3.2.4.4.1. DPL suggest the objective be amended to simply seek to reduce wilding tree spread as this more broadly stated goal can relate to both the planting of exotic trees with the potential to spread as well as the natural spread of exotic vegetation from established seed sources.</p>	<p>Amend Objective 3.2.4.4, as follows:</p> <p><u><i>Reduce wilding tree spread</i></u> <i>Avoid exotic vegetation with the potential to spread and naturalise.</i></p>
Policy 3.2.4.4.1 That the planting of exotic vegetation with the potential to spread and naturalise is banned	<p>Support in part</p> <p>DPL supports Policy 3.2.4.4.1 in part as it seeks to strengthen policies relating to the planting of trees with the potential to spread. DPL suggests improvements to the wording to improve meaning and direction.</p>	<p>Amend Policy 3.2.4.4.1, as follows:</p> <p><u><i>Avoid</i></u> <i>That the planting of exotic vegetation with the potential to spread and naturalise is banned</i></p>
Objective 3.2.5.2 Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.	<p>Support in Part</p> <p>DPL supports Objective 3.2.5.2 as it seeks to minimise adverse effects of subdivision and development within the Rural Landscapes. SPL suggest improvements to wording to assist understanding and improve direction.</p>	<p>Amend Objective 3.2.5.2, as follows:</p> <p><u><i>Recognise the landscape and amenity values of the Rural Landscapes and manage the adverse effects of subdivision, use and development on those values.</i></u></p> <p><i>Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.</i></p>
Policy 3.2.5.2.1 Identify the district's Rural Landscape Classification on the district plan maps, and minimise	<p>Support in Part</p> <p>DPL supports the general approach taken within Policy 3.2.5.2.1 to identify the RLC on the planning maps. DPL</p>	<p>Amend Policy 3.2.5.2.1, as follows:</p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
the effects of subdivision, use and development on these landscapes.	suggests amendments to the Policy to ensure it is consistent with Objective 3.2.5.2 by seeking to minimise <u>adverse</u> effects.	<i>Identify the district's Rural Landscapes on the District Plan maps, and avoid, remedy or mitigate the effects of subdivision, use and development on these landscapes.</i>
Objective 3.2.5.3 Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.	<p>Support in Park</p> <p>DPL would support Objective 3.2.5.3 with amendment as the specific direction would be better expressed as a policy and located within Chapter 6 Landscape Values. In addition DPL is concerned also that to “direct” subdivision and development implies a high level of certainty in relation to those other areas. It is submitted that the benefit of this policy is in its ability to enable an assessment of an areas absorption capacity and to encourage development of those areas over others with less capacity. In making that evaluation DPL submits that there will be a range of competing demands, including protection of natural areas, capacity of infrastructure and other matters which could be lost through a directive approach take to landscape absorption alone. For these reasons DPL seeks to amend the objective to replace the word “direct” with “encourage”, to restate as a policy and to shift that policy into Chapter 6.</p>	<ol style="list-style-type: none"> 1. To amend Objective 3.2.5.3, as follows: <ul style="list-style-type: none"> <i>Direct</i> <u><i>Encourage</i></u> new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values. 2. Restate the amended Objective 3.2.5.3 as a Policy; and 3. Shift this policy into Chapter 6 Landscape Values
Policies 3.2.5.3.1 Direct urban development to be within Urban Growth Boundaries (UGB's) where these apply, or within the existing rural townships	<p>Oppose</p> <p>DPL oppose policy 3.2.5.3.1 for the general reasons expressed in this submission above and on the grounds</p>	Delete Policy 3.2.5.3.1

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as <i>italic strike-through</i>]
	that it duplicates the outcomes sought with Policy 3.2.2.1.2, which DPL have sought to be also deleted.	
Objective 3.2.5.5 Recognise that agricultural land use is fundamental to the character of our landscapes.	<p>Oppose</p> <p>DPL oppose objective 3.2.5.5 in its entirety and seek to have it deleted. The character of the landscapes in the Queenstown Lakes District are not fundamentally linked to agriculture. Many of the Districts most outstanding and pristine landscapes are managed as part of the conservation estate where agriculture would be a complete anathema to the attributes that contribute to making the outstanding and highly natural.</p>	Delete Objective 3.2.5.5
Policies 3.2.5.5.1 Give preference to farming activity in rural areas except where it conflicts with significant nature conservation values.	<p>Oppose</p> <p>DPL oppose policy 3.2.5.5.1 and seek to have it deleted.</p> <p>There is no basis to link farming as a preferable method to protect the landscapes of the Queenstown Lakes District. Farming is a traditional use of the rural land resource that can in some instances help with the management of pastoral land. On rural land without pastoral qualities, including areas of significant indigenous vegetation, the surface of lakes and rivers and alpine areas, a host of other alternative land use may provide a more suitable basis for achieving sustainable management, including protection of landscape values.</p>	Delete Policy 3.2.5.5.1
Objective 3.2.6.2 Ensure a mix of housing opportunities	<p>Support in Part</p> <p>DPL supports increasing the mix of housing types and densities as a means of accommodating a more diverse range of housing needs and to address affordability. The</p>	<p>Amend Objective 3.2.6.2, as follows:</p> <p><i>Ensure a mix of housing opportunities</i> <u>Urban areas provide a mix of housing densities and typologies</u></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
	<p>range of policies supporting Objective 3.2.6.2 seek to “promote”, “enable” and “encourage” mixed and higher densities and innovate approaches. DPL general support the approach taken through the wording of the policies and are concerned with the more mandatory language used in the objective to “ensure” a mix of housing opportunities. DPL suggest the objective be amended to provide a mix of housing densities and typologies within urban areas.</p>	
Chapter 4 Urban Development		
<p>4.2.1 Objective - Urban development is coordinated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.</p>	<p>Oppose</p> <p>DPL supports goals relating to the consolidation of urban development and its co-ordination with infrastructure. However, DPL considers that the protection of the environment, rural amenity and ONL/F’s sets a threshold too high in respect on the environment and rural amenity and conflicts in particular with the approach taken to management of landscape values with Chapter 6.</p>	<p>Amend Objective 4.2.1, as follows:</p> <p><i>Urban development is coordinated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features</i></p>
<p>4.2.1.2 Urban development is integrated with existing public infrastructure, and is designed and located in a manner consistent with the capacity of existing networks.</p>	<p>Support in Part</p> <p>DPL supports the integration of urban development with public infrastructure and networks, however in many instances that will give rise to the need for upgrades, extensions or development of new infrastructure to accommodate planned growth within urban areas. DPL considers Policy 4.2.1.3 will be unduly limiting if related to</p>	<p>Amend Policy 4.2.1.2, as follows:</p> <p><i>Urban development is integrated with existing public infrastructure, and is designed and located in a manner consistent with the capacity of existing networks, <u>including planned expansion to accommodate growth within urban areas.</u></i></p>

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as <i>italic strike-through</i>]
	existing infrastructure and networks and seek to have this word deleted.	
4.2.1.3 Encourage a higher density of residential development in locations that have convenient access to public transport routes, cycleways or are in close proximity to community and education facilities.	<p>Support</p> <p>DPL supports Policy 4.2.1.3 as a sustainable means of developing land within communities to make an efficient use of the available land resource and physical infrastructure, the protection of landscapes from outwards expansion of urban development into highly valued landscapes and to encourage affordable housing.</p>	Retain Policy 4.2.1.3
4.2.1.6 Avoid sporadic urban development that would adversely affect the natural environment, rural amenity or landscape values; or compromise the viability of a nearby township.	<p>Oppose</p> <p>DPL oppose the wording of policy 4.2.1.6 as it fails to explain the term sporadic in the context of urban development. Policy 4.2.1.5 for example seeks to have urban development contained within or adjacent to existing settlements and if that occurs within an area un-zoned, would that be sporadic? Given the lack of meaning given to this terms and potential for inconsistencies to arise with other urban growth policies, DPL seeks to that Policy 4.2.1.6 be deleted.</p>	Delete Policy 4.2.1.6
4.2.1.7 Urban development maintains the productive potential and soil resource of rural land.	<p>Oppose</p> <p>DPL oppose Policy 4.2.1.7 because of the internal contradiction it creates between the PDP's definition of Urban Development, which excludes rural areas, and its intended application to rural land. DPL submits that the intent of the policy could be improved through alternative</p>	<p>Delete Policy 4.2.1.7 and replace with the following:</p> <p><u><i>To minimise the loss of high value soils within rural areas from the urban development.</i></u></p>

Specific Provision	Submission	Decisions Sought [New text shown <u>italics</u> and deleted text shown as <i>italic strike-through</i>]
	wording seeking to minimise the loss of high value soils within rural areas from urban development.	
<p>4.2.2 Objective Urban Growth Boundaries are established as a tool to manage the growth of major centres within distinct and defensible urban edges.</p> <p>Policies 4.2.2.1 to 4.2.2.5</p>	<p>Oppose</p> <p>DPL opposes this suite of policies and the related objective on the basis of the general reasons expressed above. The purpose of these provisions are to establish the Urban Growth Boundaries as a growth management tool under the PDP to define the limits of growth. The identification of urban growth boundaries is considered unnecessary within the context of the PDP because of the strength of protection afforded to ONF/L's, the identification of landscape lines within the plan and the further policies relating to management of rural areas. Together with the other objectives and policies proposed within Chapter 4, DPL submits that the proposed objective will not promote the purpose of the Act and because of that, the policies are also unnecessary.</p>	Delete Objective 4.2.2 and Policies 4.2.2.1 to 4.2.2.5.
<p>4.2.3 Objective – Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.</p>	<p>Support in Part</p> <p>DPL supports Objective 4.2.3 as it seeks to provide a compact urban form, but does not support restricting that to land with Urban Growth Boundaries, for the general reasons expressed above. DPL suggest amendments to the Objective to remove references to urban growth boundaries and replace with urban areas.</p>	<p>Amend 4.2.3 Objective, as follows:</p> <p><i>Within Urban areas Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.</i></p>
<p>4.2.3.7 The edges of Urban Growth Boundaries are managed to provide a sensitive transition to rural areas.</p>	<p>Support in Part</p> <p>DPL supports the intent of Policy 4.2.3.7 to manage the interface of rural and urban areas. DPL seeks to amend</p>	Amend Policy 4.2.3.7, as follows:

Specific Provision	Submission	Decisions Sought [New text shown <u><i></i></u> and deleted text shown as <i></i>]
	<p>the policy such that it can be relate to all urban areas and not just the edges of Urban Growth Boundaries. It is also unclear from this policy how a sensitive transition might occur and DPL submits this is capable of wide interpretation. DPL suggests that the policy seek to address the interface of urban areas with the rural areas so as to manage visual impacts, odour and noise effects generated by the activities anticipated within rural areas.</p>	<p><i>To manage the edges interface between of urban and rural areas Urban Growth Boundaries are managed to address: provide a sensitive transition to rural areas</i></p> <p><u><i>(a) reverse sensitive effects, including from noise, odour and dust; and</i></u></p> <p><u><i>(b) impacts on rural character and amenity values.</i></u></p>
<p>Objective 4.2.4 - Manage the scale and location of urban growth in the Queenstown Urban Growth Boundary.</p> <p>And related diagram identifying the Wanaka Urban Growth Boundary</p>	<p>Support in Part</p> <p>DPL supports the intent of Objective 4.2.4 as it seeks to manage the scale and locate of urban growth. DPL seek to amend the objective so that it can relate to the greater Queenstown urban area, rather than the Urban Growth Boundary for the general reasons expressed above.</p>	<p>1. Amend Objective 4.2.4, as follows:</p> <p><u><i>Manage the scale and location of urban growth in the Queenstown urban area Urban Growth Boundary.</i></u></p> <p>2. Delete the diagram identifying the urban growth boundary for Queenstown</p>
<p>Policies 4.2.4.1 Limit the spatial growth of Queenstown so that:</p> <ul style="list-style-type: none"> • the natural environment is protected from encroachment by urban development • sprawling of residential settlements into rural areas is avoided • residential settlements become better connected through the coordinated delivery of infrastructure and community facilities 	<p>Support in Part</p> <p>DPL supports the intent of Policy 4.2.4.1 to regulate growth of Queenstown and further outline some of the key factors that may need to be considered as part of spatial growth. It is considered that the wording of this policy could be improved to clarify this message and amendments are suggested to this effect.</p>	<p>Amend Policy 4.2.4.1, as follows:</p> <p><u><i>Limit the spatial growth outward expansion of the Queenstown urban area into the surrounding rural environment, so that:</i></u></p> <ul style="list-style-type: none"> • <i>the areas of significant indigenous flora and fauna natural environment is are protected from encroachment by urban development</i> • <i>sprawling of residential settlements into rural areas is avoided</i> • <i>residential settlements become better connected through the coordinated delivery of infrastructure and community facilities</i> • <i>transport networks are integrated and the viability of public and active transport is improved</i>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
<ul style="list-style-type: none"> • transport networks are integrated and the viability of public and active transport is improved • the provision of infrastructure occurs in a logical and sequenced manner • the role of Queenstown Town Centre as a key tourism and employment hub is strengthened • the role of Frankton in providing local commercial and industrial services is strengthened 		<ul style="list-style-type: none"> • the provision cost <u><i>cost of additional infrastructure does not burden existing communities</i></u> occurs in a logical and sequenced manner • the role of Queenstown Town Centre as a key tourism and employment hub is strengthened • the role of Frankton in providing local commercial and industrial services is strengthened
<p>4.2.4.2 Ensure that development within the Queenstown Urban Growth Boundary:</p> <ul style="list-style-type: none"> • Provides a diverse supply of residential development to cater for the needs of residents and visitors • Provides increased density in locations close to key public transport routes and with convenient access to the Queenstown Town Centre • Provides an urban form that is sympathetic to the natural setting and enhances the quality of the built environment 	<p>Support in Part</p> <p>DPL supports Policy 4.2.4.2 detailed factors relating to the management of urban growth with Queenstown. To carry through with the measures detailed in the general submission relating to urban growth, DPL seeks to amend this policy to relate to the Queenstown urban area, rather than the Queenstown Urban Growth Boundary.</p>	<p>Amend Policy 4.2.4.1, as follows:</p> <p><u><i>4.2.4.2 Ensure that development within the Queenstown Urban Area Growth Boundary:</i></u></p> <ul style="list-style-type: none"> • <i>Provides a diverse supply of residential development to cater for the needs of residents and visitors</i> • <i>Provides increased density in locations close to key public transport routes and with convenient access to the Queenstown Town Centre</i> • <i>Provides an urban form that is sympathetic to the natural setting and enhances the quality of the built environment</i> • <i>Provides infill development as a means to address future housing demand</i> • <i>Provides a range of urban land uses that cater for the foreseeable needs of the community</i>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
<ul style="list-style-type: none"> • Provides infill development as a means to address future housing demand • Provides a range of urban land uses that cater for the foreseeable needs of the community • Maximises the efficiency of existing infrastructure networks and avoids expansion of networks before it is needed for urban development • Supports the coordinated planning for transport, public open space, walkways and cycleways and community facilities • Does not diminish the qualities of significant landscape features 		<ul style="list-style-type: none"> • <i>Maximises the efficiency of existing infrastructure networks and avoids expansion of networks before it is needed for urban development</i> • <i>Supports the coordinated planning for transport, public open space, walkways and cycleways and community facilities</i> • <i>Does not diminish the qualities of significant landscape features</i>
<p>Objective 4.2.6 - Manage the scale and location of urban growth in the Wanaka Urban Growth Boundary</p> <p>And related diagram identifying the Wanaka Urban Growth Boundary</p>	<p>Support in Part</p> <p>DPL supports the intent of Objective 4.2.4 as it seeks to manage the scale and locate of urban growth. DPL seek to amend the objective so that it can relate to the greater Queenstown urban area, rather than the Urban Growth Boundary for the general reasons expressed above.</p>	<p>Amend Objective 4.2.6, as follows:</p> <p style="text-align: center;"><i>Manage the scale and location of urban growth in the Wanaka <u>urban area</u> Urban Growth Boundary.</i></p> <p>Delete the diagram identifying the urban growth boundary for Wanaka;</p>
<p>4.2.6.1 Limit the spatial growth of Wanaka so that:</p> <ul style="list-style-type: none"> • The rural character of key entrances to the town is retained and 	<p>Support in Part</p> <p>DPL supports the intent of Policy 4.2.6.1 to regulate growth of Wanaka and further outline some of the key</p>	<p>Amend Policy 4.2.6.1, as follows:</p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
<p>protected, as provided by the natural boundaries of the Clutha River and Cardrona River</p> <ul style="list-style-type: none"> • A distinction between urban and rural areas is maintained to protect the quality and character of the environment and visual amenity • Ad hoc development of rural land is avoided • Outstanding Natural Landscapes and Outstanding Natural Features are protected from encroachment by urban development 	<p>factors that may need to be considered as part of spatial growth. It is considered that the wording of this policy could be improved to clarify this message and amendments are suggested to this effect.</p>	<p>Limit the spatial growth outward expansion of the Wanaka urban area into the surrounding rural environment, so that:</p> <ul style="list-style-type: none"> • <i>The rural character of key entrances to the town is retained and protected, as provided by the natural boundaries of the Clutha River and Cardrona River</i> • <i>A distinction between urban and rural areas is maintained to protect the quality and character of the environment and visual amenity</i> • <i>Ad hoc development of rural land is avoided</i> • <i>Outstanding Natural Landscapes and Outstanding Natural Features are protected from encroachment by urban development</i>
<p>4.2.6.2 Ensure that development within the Wanaka Urban Growth Boundary:</p> <ul style="list-style-type: none"> • Supports increased density through greenfield and infill development, in appropriate locations, to avoid sprawling into surrounding rural areas • Provides a sensitive transition to rural land at the edge of the Urban Growth Boundaries through the use of: appropriate zoning and density controls; setbacks to maintain amenity and open space; and design standards that limit the visual prominence of buildings 	<p>Support in Part</p> <p>DPL supports Policy 4.2.6.2 detailed factors relating to the management of urban growth with Wanaka. To carry through with the measures detailed in the general submission relating to urban growth, DPL seeks to amend this policy to relate to the Wanaka urban area, rather than the Wanaka Urban Growth Boundary.</p>	<p>Amend Policy 4.2.6.2, as follows:</p> <p>Ensure that development within the Wanaka Urban area Growth Boundary:</p> <ul style="list-style-type: none"> • <i>Supports increased density through greenfield and infill development, in appropriate locations, to avoid sprawling minimise expansion into surrounding rural areas</i> • <i>Provides a sensitive transition to rural land at the edge of the Urban area Growth Boundaries through the use of: appropriate zoning and density controls; setbacks to maintain amenity and open space; and design standards that limit the visual prominence of buildings</i> • <i>Facilitates a diversity of housing supply to accommodate future growth in permanent residents and visitors</i>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
<ul style="list-style-type: none"> • Facilitates a diversity of housing supply to accommodate future growth in permanent residents and visitors • Maximises the efficiency of existing infrastructure networks and avoids expansion of networks before it is needed for urban development • Supports the coordinated planning for transport, public open space, walkways and cycleways and community facilities • Does not diminish the qualities of significant landscape features • Rural land outside of the Urban Growth Boundary is not developed until further investigations indicate that more land is needed to meet demand. 		<ul style="list-style-type: none"> • <i>Maximises the efficiency of existing infrastructure networks and avoids expansion of networks before it is needed for urban development</i> • <i>Supports the coordinated planning for transport, public open space, walkways and cycleways and community facilities</i> • <i>Does not diminish the qualities of significant landscape features</i> • <i>Rural land outside of the Urban Growth Boundary is not developed until further investigations indicate that more land is needed to meet demand.</i>
Chapter 6 Landscapes		
6.2 Values	<p>Support in part</p> <p>The vision statement needs to recognise there are rural areas that can absorb development, provided that adverse effects on the landscape and amenity values are well considered.</p>	<p>Add a new paragraph:</p> <p><u><i>However, tourism, rural living, visitor accomodation and recreation based activities can be enabled in certain locations if landscape character and visual amenity values are not unduly compromised through appropriate siting of the activity, migitation and protection and enhancement of important values.</i></u></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
	<p>There will be pressure on rural resources to absorb new development. This provides an opportunity to achieve long term enhancement and permanent protection for important landscape and biodiversity values in exchange for appropriately development opportunities.</p>	
<p>6.3.1 Objective - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.</p>	<p>Oppose</p> <p>DPL oppose the wording of this objective as it fails to provide any real meaning or stated goal to be achieved. It is clear from the policies related to this objective that many seek to establish or control the planning processes relating to the management of landscape values, including the identification of landscape lines on the planning maps, the three landscape categories, the intended operation of the relevant assessment matters and factors impacting on the location of urban subdivision and zoning. DPL proposed to replace the Objective some wording intended to convey the importance of having effective plan provisions and processes to managing the landscape resource of this district.</p>	<p>Delete Objective 6.3.1 and replace with the following:</p> <p><u><i>Clear processes and effective provisions are established within the District Plan to manage the effects of the subdivision, use and development on landscape values</i></u></p>
<p>Policy 6.3.1.4 That subdivision and development proposals located within the Rural Landscape be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is inappropriate in many</p>	<p>Oppose</p> <p>This policy is opposed as it is inherently contradictory and does not currently reflect RMA purpose and terminology. The policy should not refer to specific assessment matters as the policy should be achievable in its own right. The</p>	<p>Amend Policy 6.3.1.4 as follows.</p> <p>That subdivision and development proposals located within the Rural Landscape <u><i>Classification be located and designed in such a manner that adverse effects on landscape character and visual amenity values are avoided, remedied, or mitigated.</i></u> be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because</p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.	current wording is also contradictory as it appears to presuppose decision outcomes.	subdivision and development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.
Policy 6.3.1.6 Enable rural lifestyle living through applying Rural Lifestyle Zone and Rural Residential Zone plan changes in areas where the landscape can accommodate change.	<p>Support in Part</p> <p>This Policy is supported with suggested amendments in order to broaden the applicability of the policy to all types of rural living including a residential activity. It is not appropriate for this policy to refer to plan changes.</p> <p>The language should be consistent with higher order objectives and policies in the Proposed Plan such as the use of 'absorb' as compared to "accommodate"</p>	<p>Amend Policy 6.3.1.6 as follows.</p> <p><u><i>Enable rural living through rural living zones in areas where the landscape can absorb change and through carefully considered development proposals.</i></u> lifestyle and residential living through applying Rural Lifestyle Zones and Rural Residential Zones plan changes in areas where the landscape can accommodate change.</p>
Policy 6.3.1.11 Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places.	<p>Support in Part</p> <p>The wording in this Policy should be amended to better reflect RMA purpose and terminology. This policy sets a higher threshold of protection than provided for in section 6 without justification in the section 32 report.</p>	<p>Amend Policy 6.3.1.11 as follows.</p> <p><u><i>Recognise the importance of protecting avoiding, remedying, or mitigating adverse effects on landscape character and visual amenity values, particularly as viewed from public places.</i></u></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
<p>Objective 6.3.2</p> <p>Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.</p>	<p>Support in Part</p> <p>The wording in this objective should be amended to better reflect RMA purpose and terminology.</p> <p>Avoiding adverse cumulative effects is too strong an may limit opportunities for proposals with effects that can be avoided, remedied or mitigated.</p>	<p>Amend Objective 6.3.2 as follows.</p> <p><i>Avoid <u>remedy or mitigate</u> adverse cumulative effects on landscape character and <u>visual</u> amenity values caused by incremental <u>inappropriate</u> subdivision and development.</i></p>
<p>Policy 6.3.2.2</p> <p>Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.</p>	<p>Support in Part</p> <p>The wording should be amended to better reflect RMA purpose and terminology. This policy is expressed as a directive/ rule which is potentially in conflict with other rules in this zone.</p> <p>There are rural areas that can absorb development, whether in new areas or infill within existing areas, provided that landscape and amenity values are not significantly adversely affects.</p>	<p>Amend Policy 6.3.2.2 as follows</p> <p><i>Allow Provide for residential subdivision and development only in locations where the <u>which has regard to the District's landscape character and visual amenity values</u> would not be degraded.</i></p>
<p>6.3.5 Objective - Ensure subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC).</p>	<p>Support in Part</p> <p>The wording in this Objective should be amended to better reflect RMA purpose and terminology. This policy sets a</p>	<p>Amend 6.3.5 Objective as follows.</p> <p><i>Ensure <u>Enable</u> subdivision and development does not degrade <u>which will avoid, remedy, or mitigate any adverse effects on</u></i></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
	<p>higher threshold of protection than provided for in section 6 without justification in the section 32 report.</p> <p>The objectives and policies relating to RLCs are not appropriate given the expansive classification of rural and rural lifestyle/ residential land within this classification. Many of the zones within this classification envisage a level of development which does not meet these high level objectives and policies.</p>	<p><i>landscape character and diminish visual amenity values of the Rural Landscapes (RLC).</i></p>
<p>Policy 6.3.5.1 Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.</p>	<p>Support in Part</p> <p>The wording in this policy should be amended to better reflect RMA purpose and terminology. This policy sets a higher threshold of protection than provided for in section 6 without justification in the section 32 report.</p>	<p>Amend Policy 6.3.5.1 as follows.</p> <p><i><u>Avoid, remedy, or mitigate adverse effects from inappropriate subdivision and development</u> only where it will not degrade on landscape quality or character, or diminish the or visual amenity values identified for any Rural Landscape.</i></p>
<p>Policy 6.3.5.2 Avoid adverse effects from subdivision and development that are:</p> <ul style="list-style-type: none"> • Highly visible from public places and other places which are frequented by members of the public 	<p>Support in Part</p> <p>The wording in this policy should be amended to better reflect RMA purpose and terminology. This policy sets a</p>	<p>Amend Policy 6.3.5.2 as follows.</p> <p><i><u>Avoid remedy, or mitigate adverse effects from subdivision and development that are:</u></i></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
<p>generally (except any trail as defined in this Plan); and</p> <ul style="list-style-type: none"> • Visible from public roads. 	<p>higher threshold of protection than provided for in section 6 without justification in the section 32 report.</p> <p>Delete unnecessary language</p>	<ul style="list-style-type: none"> • <i>Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and</i> • <i>Visible from public roads.</i>
<p>Policy 6.3.5.3 Avoid planting and screening, particularly along roads and boundaries, which would degrade openness where such openness is an important part of the landscape quality or character.</p>	<p>Support in Part</p> <p>The wording in this policy should be amended to better reflect RMA purpose and terminology. The terminology of 'openness' is confusing as it is not expressed in terms of effects, and is not defined.</p> <p>Planting and screening is unlikely to have an effect on 'openness' whereas it does have effects on views and view shafts.</p>	<p>Amend Policy 6.3.5.3 as follows.</p> <p><i>Avoid planting and screening, particularly along roads and boundaries, which would degrade openness <u>views</u> where such openness <u>views are an important part of the</u> <u>for the appreciation of landscape quality or character.</u></i></p>
<p>Policy 6.3.5.6 Have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present.</p>	<p>Support in Part</p> <p>The wording in this policy should be amended to better reflect RMA purpose and terminology. The reference to</p>	<p>Amend Policy 6.3.5.6 as follows.</p> <p><i>Have regard to the adverse effects from subdivision, <u>use</u> and development on the open <u>views of the landscape character</u> <u>where those views are uninterrupted at present</u> it is open at present.</i></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
	'open' is confusing as it is not expressed in terms of effects, and is not defined.	
New Policy 6.3.4.5 Offsetting for wilding tree control	<p>DPL consider that PDP should introduce a specific policy relating to the ONF/L's providing a framework for offsetting for wilding tree control.</p> <p>The spread of wilding trees in a significant threat to the openness and open character of the ONL's of this District. The proposed new policies within Chapter 3 (Strategic Directions) and Chapter 34 (Wilding Exotic Trees) seek to avoid new planting trees with the potential for wilding tree spread, but otherwise stop short of imposing a regime to control their spread. The Queenstown Lakes District is at the forefront of case law relating to environmental compensation and in particular related to wilding tree control.</p> <p>DPL proposes that specific policies be developed to establish the framework for undertaking the evaluation of offsets for this purpose given the scale of the threat it presents to ONF/L's.</p>	<p>Insert a new Policy 6.3.4.5, as follows:</p> <p><u><i>Provide offsetting for wilding tree control against landscape values within ONLs or ONFs, where:</i></u></p> <p><u><i>i) the adverse effects of subdivision, use or development on landscape values cannot be avoided, remedied or mitigated; and</i></u></p> <p><u><i>ii) the offset achieves a no net loss and preferably a net gain in landscape values; and</i></u></p> <p><u><i>iii) mechanisms are established to enable the offset to be sustained over the long term; and</i></u></p> <p><u><i>iv) the offset is undertaken close to the location of development.</i></u></p> <p>1.</p>
New Policy 6.3.7.3 offsetting for indigenous biodiversity	DPL consider that PDP should introduce a specific policy relating to all landscape categories providing a framework for offsetting for indigenous biodiversity.	Insert a new Policy 6.3.7.3, as follows:

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
	<p>The Proposed Otago Regional Policy Statement has formulated of policies for this purpose and DPL submits that it would be appropriate for the PDP to include similar policies within Chapter 6 because of the relationship between natural character and landscape values.</p>	<p><u><i>Provide offsetting for indigenous biodiversity enhancement against landscape values, where:</i></u></p> <p><u><i>i) the adverse effects of subdivision, use or development on landscape values cannot be avoided, remedied or mitigated; and</i></u></p> <p><u><i>ii) the offset achieves a no net loss and preferably a net gain in landscape values; and</i></u></p> <p><u><i>iii) mechanisms are established to enable the offset to be sustained over the long term; and</i></u></p> <p><u><i>iv) the offset is undertaken close to the location of development.</i></u></p>
<p>6.3.8 Objective - Recognise the dependence of tourism on the District's landscapes.</p>	<p>Support</p> <p>DPL supports Objective 6.3.8 for the general reasons expressed above. DPL has significant direct investments in tourism such the Soho and Treble Cone ski areas, the Amisfield Cellar and Bistro, Jacks Point club house and golf club and the significant areas of land available for visitor accommodation and commercial purposes within Jacks Point. Tourism is in itself reliant on the qualities of the districts landscapes but also dependent on the management of landscape values to operate and establish. In particular for the Treble Cone and Soho ski areas.</p>	<p>Retain Objective 6.3.8</p>
<p>Policy 6.3.8.2 Recognise that commercial recreation and tourism related activities locating within the rural zones may be appropriate where these activities enhance the appreciation of landscapes, and on</p>	<p>Support</p> <p>DPL supports Policy 6.3.8.2 for the general reasons express above.</p>	<p>Retain Policy 6.3.8.2</p>

Specific Provision	Submission	Decisions Sought [New text shown <u>italics</u> and deleted text shown as <i>italic strike-through</i>]
the basis they would protect, maintain or enhance landscape quality, character and visual amenity values.		
Policy 6.3.8.3 Exclude identified Ski Area Sub Zones from the landscape categories and full assessment of the landscape provisions while controlling the impact of the ski field structures and activities on the wider environment.	<p>Support</p> <p>DPL supports exclusion of the ski area sub zones from the landscape categories and related assessments. DPL has interests in the Treble Cone and Soho ski areas, and supports their continued exemption from the landscape categories. Each ski area represents a significant investment in infrastructure and development potential and in achieving significant contribution to the overall wellbeing of the community and the sustainable management of the land resource, may not fit well with many of the relevant objectives and policies within Chapter 6.</p>	Retain Policy 6.3.8.3
<p>Rule 6.4.1.3</p> <p>The landscape categories do not apply to the following within the Rural Zones:</p> <p>a. Ski Area Activities within the Ski Area Sub Zones.</p> <p>b. The area of the Frankton Arm located to the east of the Outstanding</p>	<p>Support</p> <p>DPL supports Rule 6.4.1.3 as it excludes land located within the ski areas Sub Zone, the rural lifestyle and rural residential zones. As stated above, DPL has interests in the Treble Cone and Soho ski areas, Wyuna Station, Mount Christina and Lake Hayes (rural lifestyle zones).</p> <p>DPL supports their continued exemption from the landscape categories. Each area represent a significant investment in infrastructure and development potential</p>	Retain Rule 6.4.1.3

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as <i>italic strike-through</i>]
<p>Natural Landscape line as shown on the District Plan maps.</p> <p>c. The Gibbston Character Zone.</p> <p>d. The Rural Lifestyle Zone.</p> <p>e. The Rural Residential Zone.</p>	<p>and in achieving significant contribution to the overall wellbeing of the community and the sustainable management of the land resource, may not fit well many of the relevant objectives and policies within Chapter 6.</p>	
Chapter 27 Subdivision		
<p>Chapter 27</p>	<p>Chapter 27 is opposed.</p> <ul style="list-style-type: none"> • The notified provisions relating to subdivision and development in Chapter 27 of the Proposed District Plan provide a significant change in approach to the current regime of subdivision control under the Operative Plan. The default status of subdivision as proposed is "discretionary" (unrestricted), this removes matters of control and related assessment matters and the comprehensive objectives and policies which are well understood and defined in the Operative Plan. These changes are coupled with a non-notification clause relating to most discretionary activities. • The basis for this change appears to be driven by a desire to increase efficiency through a reduction in the length and complexity of the provisions. 	<p>Delete Chapter 27 and replace with the Queenstown Lakes District Council Operative District Plan -Chapter 15.</p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
	<ul style="list-style-type: none"> • This submission considers that the Council has failed to properly assess the options in undertaking this approach in relation to transaction costs, resource consent processing time, uncertainty and relative efficiencies of other approaches including retention of the status quo, as required under section 32 of the RMA. • Subdivision certainty is key to efficient and effective uses of resources in the district, and this is facilitated by clear understanding of the outcomes which can be achieved in any particular zone or area. If subdivisions are retained as a completely discretionary activity, then subdivision may be appropriate in any give zone, but not on every particular site. A case by case assessment is required and despite the certainty of non-notification there is no certainty as to what might be approved. This could result in undesirable and ad-hoc planning outcomes such as inconsistency as to what is recommended and what is nota and therefore increases in litigation. • On this basis, this submission seeks changes to Chapter 27 Subdivision to reintroduce the existing operative subdivision regime, or to introduce a controlled activity status for subdivision where possible, and where prescribed standards relating to allotment size and services and other assessment matters are met. 	

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
<p>Rule 27.4.1 All subdivision activities are discretionary activities, except other stated</p>	<p>In the alternative Rule 27.4.1 is opposed for the reasons identified above.</p>	<p>Amend Rule 27.4.1, as follows:</p> <p><i>All subdivision activities are discretionary controlled activities, except as otherwise stated:</i></p> <p><i>Council's control is limited to:</i></p> <ul style="list-style-type: none"> • <i><u>Lot sizes, averages and dimensions</u></i> • <i><u>Subdivision design</u></i> • <i><u>Property access</u></i> • <i><u>Esplanade provision</u></i> • <i><u>Natural hazards</u></i> • <i><u>Fire fighting water supply</u></i> • <i><u>Water supply</u></i> • <i><u>Stormwater disposal</u></i> • <i><u>Sewage treatment and disposal</u></i> • <i><u>Energy supply and telecommunications</u></i> • <i><u>Open space and recreation</u></i> • <i><u>Easements</u></i> • <i><u>The nature, scale and adequacy of environmental protection measures associated with earthworks</u></i> <p><i><u>All subdivision activities in the Rural Zone are Discretionary activities.</u></i></p>

**FURTHER SUBMISSION ON THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN
UNDER CLAUSE EIGHT OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991**

To: Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Submitter: Darby Planning LP
C/- Boffa Miskell Ltd
PO Box 110
CHRISTCHURCH

Attention: Chris Ferguson, Planner
Phone: (03) 353 7568
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Darby Planning LP ("DPL") makes further submissions on the Proposed Queenstown Lakes District Plan as set out in the **attached** document.

DPL confirms it is a person who is representing a relevant aspect of the public interest, and has an interest in the proposal that is greater than the interest the general public has (it is affected by the content of a submission).

DPL would like to be heard in support of its further submission.

If other persons make a similar further submission then DPL would consider presenting joint evidence at the time of the hearing.

A copy of this further submission has been served on the original submitters to which this further submission relates.



Chris Ferguson

For and behalf of Darby Planning LP

18th day of December 2015

FURTHER SUBMISSIONS

The submission supported or opposed is:	The particular parts of the submissions supported or opposed are:	Support or Oppose	The reasons for support of opposition are:	Decision Sought
Department of Conservation (Submitter #373) PO Box 4715, Christchurch 8140 gdeavoll@doc.govt.nz	Policy 3.2.4.2.1 (Submission Point 373.5)	Oppose	DPL supports the concept to protect and enhance key values which needs refinement to achieve certainty, but opposes the relief sought in the submission to amend Policy 3.2.4.2.1 to identify areas of significant indigenous vegetation and significant habitats of indigenous fauna as part of development and land use activities and ensure their protection. Using solely qualitative assessment of the significance of indigenous vegetation as a basis for determining the status of an activity in District Plan rules, as sought in the Department of Conservation's submission does not provide sufficient certainty and requires refinement.	We seek that the part of this submission relating to Policy 3.2.4.2.1 be disallowed for the reasons expressed in this further submission.
	New definitions of biodiversity offsetting and no net loss	Support/op pose	DPL supports the concept of biodiversity offsetting and related definitions to clarify the intended meaning within the PDP. DPL oppose the proposed relief to the extent it conflicts with the outcomes sought in its original submissions.	We seek that the part of the submission relating to new definition of biodiversity offsetting and no net loss, be disallowed to the extent they conflict with the original submission from DPL.
	Chapter 33, 33.1, objectives 33.2.1, 33.2.3; Policies 33.2.1.1, 33.2.1.2, 33.2.1.3, 33.2.1.4, 33.2.1.5, 33.2.1.6, 33.2.1.7, 33.2.1.8, 33.2.1.9, 33.2.2, 33.2.2.1, 33.2.2.2, 33.2.2.3, Rules 33.3.4 Table 2, 33.5.5, 33.5.7, 33.5.8, 33.2.1.9	Support/Op pose	DPL supports the concept of biodiversity offsetting as a means of promoting the sustainable management of natural and physical resources. DPL oppose the proposed changes to policy 3.2.4.2.2 on biodiversity off-setting as it creates confusion for the methodology of the principle of off-setting generally. The proposed amendments to chapter 33 are not supported as these proposals will not seek to achieve the most effective and efficient use of resource under the RMA purpose of sustainable	We seek that Chapter 33 be refined for the reasons expressed within this further submission.

The submission supported or opposed is:	The particular parts of the submissions supported or opposed are:	Support or Oppose	The reasons for support of opposition are:	Decision Sought
	<p>33.8 Schedule of SNAs</p> <p>New policies proposed for Chapter 33</p>		<p>management. The changes sought are based upon a presumption that they are needed to give effect to Goal 3.2.3 of the Proposed Plan. This is not a sound justification as it not clear what status 'Goals' have in the Plan, and whether they must be given effect to. Any lower order provisions should give effect to the objectives of the Plan, rather than goals.</p> <p>Amendments sought to the 33.1 purpose elevate the protection of indigenous vegetation beyond a level provided for in Part 2 of the RMA, without justification by way of a section 32 analysis.</p> <p>The amendments sought by the submission do not take into account the ability for appropriate subdivision use and development to occur in areas of significant vegetation, where suitable controls can be introduced to maintain or enhance the ecological values associated with such areas.</p> <p>The proposed amendments to encourage protection and enhancement of biodiversity values on unproductive land within the district are not suitable. These would render almost all land in the District subject to such protections and would disable any future development opportunities</p> <p>Removal of all exemptions for instances of indigenous vegetation clearance where appropriate, and subject to suitable controls, will render some land incapable of future appropriate use and development</p>	
<p>Crown Range Holdings Ltd (Submitter #636)</p> <p>John Edmonds + Associates Ltd, PO Box 95, Queenstown 9348</p> <p>reception@jea.co.nz</p>	<p>6.3 Objectives and Policies (Submission Point 636.4)</p>	<p>Oppose</p>	<p>DPL opposes the relief sought by this submission to delete all objectives and policies within Section 6 (landscapes) and replace with those that exist in Section 4.2 of the operative District Plan. DPL oppose this relief on the basis that the submitter fails to identify how the structure of provisions would integrate with the PDP framework, including the identification of landscapes shown on the planning maps. The risk of uncertain outcomes and the</p>	<p>We seek that the part of this submission relating to Chapter 6 (Landscapes) be disallowed for the reasons expressed in this further submission.</p>

The submission supported or opposed is:	The particular parts of the submissions supported or opposed are:	Support or Oppose	The reasons for support of opposition are:	Decision Sought
			inappropriate levels of protection arising for land would be neither effective nor efficient in terms of s32 RMA.	
<p>Crown Range Enterprises (Submitter #643)</p> <p>John Edmonds + Associates Ltd, PO Box 95, Queenstown 9348</p> <p>reception@jea.co.nz</p>	6.3 Objectives and Policies (Submission Point 643.8)	Oppose	DPL opposes the relief sought by this submission to delete all objectives and policies within Section 6 (landscapes) and replace with those that exist in Section 4.2 of the operative District Plan. DPL oppose this relief on the basis that the submitter fails to identify how the structure of provisions would integrate with the PDP framework, including the identification of landscapes shown on the planning maps. The risk of uncertain outcomes and the inappropriate levels of protection arising for land would be neither effective nor efficient in terms of s32 RMA.	We seek that the part of this submission relating to Chapter 6 (Landscapes) be disallowed for the reasons expressed in this further submission.
<p>Cook Adam Trustees Ltd, C & M Burgess (Submitter #669)</p> <p>John Edmonds + Associates Ltd, PO Box 95, Queenstown 9348</p> <p>reception@jea.co.nz</p>	6.3 Objectives and Policies (Submission Point 669.8)	Oppose	DPL opposes the relief sought by this submission to delete all objectives and policies within Section 6 (landscapes) and replace with those that exist in Section 4.2 of the operative District Plan. DPL oppose this relief on the basis that the submitter fails to identify how the structure of provisions would integrate with the PDP framework, including the identification of landscapes shown on the planning maps. The risk of uncertain outcomes and the inappropriate levels of protection arising for land would be neither effective nor efficient in terms of s32 RMA.	We seek that the part of this submission relating to Chapter 6 (Landscapes) be disallowed for the reasons expressed in this further submission.
<p>Forest and Bird (Submitter #706)</p> <p>PO Box 6230 DUNESDIN 9059</p> <p>s.maturin@forestandbird.org.nz</p>	Policy 3.2.4.2.1 (Submission Point 706.8)	Oppose in part	DPL supports the relief sought in the submission to amend Policy 3.2.4.2.1 to identify SNA's through scheduling in the District Plan as this represents an effective and efficient means of controlling certain land use activities through subsequent methods. However DPL opposes the further changes sought to identify areas of significant indigenous vegetation and significant habitats of indigenous fauna as part of development and land use activities and ensure their protection. Using qualitative assessment of the significance of indigenous vegetation as a basis for determining the	We seek that the part of this submission relating to Policy 3.2.4.2.1 seeking to identify Chapter 6 (Landscapes) be disallowed for the reasons expressed in this further submission

The submission supported or opposed is:	The particular parts of the submissions supported or opposed are:	Support or Oppose	The reasons for support of opposition are:	Decision Sought
			status of an activity in District Plan rules, as sought in Forest and Bird's submission does not provide sufficient certainty.	
<p>Queenstown Park Ltd (Submitter #806)</p> <p>PO Box 1075 QUEENSTOWN 9348</p> <p>youngj@brookfields.nz</p>	Objective 3.2.5.4 (Submission Point 806.40)	Support	DPL supports the relief sought in this submission to provide more effective guidance on how much development is too much, to the extent any changes accord with the relief sought in the submission by DPL and make an efficient use of the available land resource, enable continued land management and address landscape values.	We seek that the part of this submission relating to Objective 3.2.5.4 be allowed for the reasons expressed in this further submission
	Chapter 4 Urban Development (Submission Point 806.48)	Support	DPL supports the proposed relief to recognise that in some instances urban development is appropriate outside of the UGB's, in the event that UGB's are adopted as the most effective and efficient method to manage issues relating to growth within the District.	We seek that the part of this submission relating to Chapter 4 (Urban Growth Boundaries) be allowed for the reasons expressed in this further submission
	Policy 6.3.1.6 (Submission Point 806.61)	Support	DPL supports the proposed changes to Policy 6.3.1.6 to broaden the application of the policy to all types of rural living for the reasons set out in the submission by DPL in its submission to Policy 6.3.1.6.	We seek that the part of this submission relating to Policy 6.3.1.6 be allowed for the reasons expressed in this further submission

The submission supported or opposed is:	The particular parts of the submissions supported or opposed are:	Support or Oppose	The reasons for support of opposition are:	Decision Sought
	Objective 21.2.9 Policies 21.2.9.1, 2, 6	Support	DPL supports the proposed changes to these provisions that will better enable the efficient use of rural land, while controlling effects of that use.	We seek that the part of the submission relating to Objective 21.2.9 and Policies 21.2.9.2, 2 and 6 be allowed for the reasons expressed within this submission.
All submissions seeking to rezoning land located within the Rural, Rural Lifestyle or Rural Residential Zones	Planning Maps	Support/Op pose	DPL supports rezoning where that is based on a thorough assessment of infrastructure, protection of open space, provision of public benefits and landscape and visual amenity is protected, but opposes submissions to the PDP seeking to rezone land located within the rural, rural lifestyle and rural residential zones where infrastructure and visual amenity matters have not been fully investigated or provided for or real risk of adverse effects arises, particularly landscape or cumulative effects. The reasons for this further submission relates to the potential for submissions to result in disparate development across the District, adverse effects on landscape and amenity values and also the inefficient use of natural and physical resources and infrastructure. DPL believes that decisions relating to rezoning requests should be informed by thorough analysis of the natural and physical resources of an area, an appropriate design response and a section 32 evaluation to support a robust framework for making decisions on the sustainable management of those resources.	We seek that the whole of the submissions seeking rezoning of land located within the rural, rural lifestyle and rural residential zone be disallowed for the reasons expressed in this further submission
Upper Clutha Environmental Society (Inc.) (Submitter #145) 245 Hawea Back Road Wanaka 9382 uces@xtra.co.nz	Chapter 1 (Introduction), 1.7.6 Building Outline	Oppose	DPL notes the evolution of the District Plan including policy for use and management of resources to be based on thorough resource analysis and greater incentives on landowners to protect and enhance values, but opposes the proposed change to provision 1.7.6 relating to the information to be submitted in respect to building outlines. The Submitter seeks to replace this provisions with a similar provision from the operation District Plan relating to	We seek that the part of this submission relating to provision 1.7.6 (Building Outline) be allowed for the reasons expressed in this further submission.

The submission supported or opposed is:	The particular parts of the submissions supported or opposed are:	Support or Oppose	The reasons for support of opposition are:	Decision Sought
			the rural general and rural lifestyle zone with changes to have this as mandatory information to support any application for resource consent to establish a building in the rural, residential and rural lifestyle zones. DPL supports the wording of the notified rule providing Council with the appropriate discretion to request a building outline be erected on any site to assist the resource consent process for building. As information to be submitted with a resource consent there are circumstances where a building outline is impractical or unnecessary and should not be mandatory.	
	Strategic Directions (Chapter 3)	Oppose	DPL opposes the relief sought in this submission to delete the Strategic Directions chapter from the PDP. Whilst DPL acknowledges that the chapter fails to establish an internal hierarchy and also repeats provisions in other chapters, these are mistakes that can be remedied to provide overall direction for the most significant resource management issues of the District.	We seek that the part of this submission relating to Chapter 3 (Strategic Directions) be disallowed for the reasons expressed in this further submission.
	Rural (Chapter 21)	Oppose	DPL opposes the relief sought in this submission seeking to retain the rural area objectives, policies rule and assessment matters in the exact form that they appear in the operative District Plan, except as otherwise amended through separate submissions. DPL oppose for this relief for the reason that the operative District Plan Structure would not match with that adopted within the PDP, including the recasting of the 5 landscape categories into 3 categories and the redundancy of the existing policies relating to the identification of site specific building restrictions, the life supporting capacity of water, and the life supporting capacity of soils. The relief sought would be an inappropriate outcome having regard to the relative effectiveness and efficiency of the proposed methods.	We seek that the part of this submission relating to Chapter 21 (Rural) be disallowed for the reasons expressed in this further submission.
	Strategic Directions (Chapter 3), Urban Growth (Chapter 4), Landscapes (Chapter 6), Rural	Oppose	DPL opposes the relief sought in this submission to retain all of the objectives, policies and rules and assessment matters relating to the Visual Amenity Landscapes in the exactly the same form as in	We seek that the part of this submission relating to Chapter 3 (Strategic

The submission supported or opposed is:	The particular parts of the submissions supported or opposed are:	Support or Oppose	The reasons for support of opposition are:	Decision Sought
	Zone (Chapter 21) and Subdivision and Development (Chapter 27)		the operative District Plan. The reason for opposing this relief is that the PDP seeks to reduce the current 5 landscape classifications into 3, including most importantly combining VAL and ORL into a new Rural Landscape Classification. The values of the natural and physical resources which underpin the existing policies cannot be therefore applied to a new RLC classification which applies to a different area. The outcome would be to create an inappropriate level of protection over landscape values.	Directions) Landscapes (Chapter 6), Rural Zone (Chapter 21) and Subdivision and Development (Chapter 27) be disallowed for the reasons expressed in this further submission
	The entire Proposed District Plan	Oppose	DPL opposes the relief sought in this submission seeking that the rural provisions of the operative District Plan relating to subdivision and development within the rural areas are retained in their current form, with certain stated exemptions. DPL disagrees that the operative provisions are working well and after 20 years (from notification) of the first generation District Plan, including the significant growth in population and related infrastructure the Rural Zones need to be reviewed to address the significant and current resource management issues facing the rural areas of the District.	We seek that the part of this submission relating to the entire Proposed District Plan be disallowed for the reasons expressed in this further submission.
	The entire Proposed District Plan	Oppose	DPL opposes the related relief sought to the submission seeking to retain the rural provisions of the operative District Plan, except for the application of the provisions relating to Outstanding Natural Landscapes (Wakatipu Basin) (ONL(WB)), to all of the Outstanding Natural Landscapes of the District. This change will result in a significantly higher level of landscape protection than necessary and therefore fail to provide for the sustainable management of the land resource. The genesis of the ONL(WB) classification is recorded within para 36 and 137 of the environment court's decision on <i>Wakatipu Environmental Society Inc. and others v Queenstown Lakes District Council</i> (C180/99). The Court found in this decision that the Wakatipu Basin is more difficult to manage because of its visibility from more viewpoints, inappropriate sprawl in some places and cumulative effects having gone too far.	We seek that the part of this submission relating to the entire Proposed District Plan be disallowed for the reasons expressed in this further submission.

The submission supported or opposed is:	The particular parts of the submissions supported or opposed are:	Support or Oppose	The reasons for support of opposition are:	Decision Sought
	The entire Proposed District Plan	Oppose	DPL opposes the relief sought to the submission seeking to retain the rural provisions of the operative District Plan, except that the cumulative effects assessment matters should be elevated to a test. DPL considers that this change is inconsistent with the proposed policies and would result in an inappropriate level of protection beyond that necessary to sustainably manage the landscape resource.	We seek that the part of this submission relating to the entire Proposed District Plan be disallowed for the reasons expressed in this further submission.
	The rural subdivision and/or development within ONL and ONF, Chapters 3, 6, 21 and 27	Support/Oppose	DPL supports the concept of protection ONL/F's through enduring protections measures (eg covenants or other instruments) opposes the relief described within the summary of submissions, to elevate the status of subdivision and development within ONL/F's to non-complying, noting this does not form the package of relief sought in the actual submission.	We seek that whole of this submission be disallowed.