

**Appendix B - A copy of the Appellants' submission**

## Submission on the Proposed Queenstown Lakes District Plan 2015 (Stage 1)

*Pursuant to Clause 6 of Schedule 1, Resource Management Act 1991*

**To:** Queenstown Lakes District Council

**Address:** Sent via email to: [services@qldc.govt.nz](mailto:services@qldc.govt.nz)

**Name of submitter:** Private Property Limited

**About the submitter:** Private Property Limited is the owner of 125 hectares of rural land in the Wakatipu Basin. The land includes the northern and eastern sides of Morvern Hill. The site contains an existing dwelling, which is accessed from State Highway 6, 500m east of Hayes View Lane. The submitter has an interest in the rules affecting the development of rural land.

**Trade Competition:** The submitter cannot gain an advantage in trade competition through this submission.

**Submission and decisions sought:** The proposed district plan provisions this submission relates to, and the decisions sought, are as set out in the attached table.

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

**Address for Service:** Private Property Limited  
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**Date:** 23<sup>rd</sup> October 2015

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline</u> <del>strikeout</del> )	Reasons
1	Planning Map 30	<p>Amend Planning Map 30 so that the ONL line follows the lower slopes of Morvern Hill in the approximate location indicated below:</p> 	The suggested alteration to the ONL line is more appropriate and will follow natural topographical boundaries, as opposed to the current line that follows cadastral boundaries
2	Planning Map 30	Amend the zoning of those lower slopes of Morvern Hill, to the north of the amended ONL line to Rural Residential	The amended zoning to Rural Residential is consistent with and provides a natural conclusion to the adjacent Rural Residential area to the south west.
3	Goal 3.2.5	<p><u>Primary relief:</u> Delete Goal 3.2.5 and all associated policies.</p>	This section only serves to repeat matters covered in Section 6 of the Proposed Plan. This is inefficient and can be ineffective as large numbers of objectives and policies on similar matters can serve to detract from the importance given to wording within individual policies. The plan can be consolidated by deleting this section (or alternatively incorporating Proposed Section 6 into 3.2.5).
4	Chapter 3.2.5	<p><u>Secondary relief:</u> (in the event that this Goal and associated policies are not</p>	If this section is not to be deleted, or if the provisions are to be incorporated into another section, it is submitted that in order to implement the purpose

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		<p>deleted) – Amend as follows</p> <p>Objective 3.2.5.1 <del>--Protect</del> <u>Avoid, remedy and mitigate adverse effects on</u> the natural character of Outstanding Natural Landscapes and Outstanding Natural Features <u>resulting from inappropriate</u> subdivision, use and development.</p> <p>Policy 3.2.5.1.1 Identify the district’s Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps, and <del>protect them from</del> <u>avoid remedy or mitigate</u> the adverse effects of <u>inappropriate</u> subdivision and development <u>upon them</u>.</p> <p>Objective 3.2.5.5- Recognise that agricultural land use is <del>fundamental</del> <u>often contributes</u> to the character of our landscapes.</p> <p><del>Policy 3.2.5.5.1 Give preference to farming activity in rural areas except where it conflicts with significant nature conservation values.</del></p> <p>Policy 3.2.5.5.2 Recognise that the retention of the character of rural areas is often <del>dependent</del> <u>influenced by</u> on the <del>ongoing viability of</del> farming and that evolving <del>forms of</del> agricultural land uses which may change the landscape are anticipated.</p>	<p>of the Act in a reasonable and efficient matter, wording consistent with relevant sections the RMA should be used.</p> <p>Furthermore, several of these provisions place too much importance on farming, which is a relatively minor part of the District’s economy. This can be seen as at odds with other provisions which (appropriately) promote diversification. Attributing landscape character to farming, without some qualification, risks conflicts with other values such as nature conservation, recreation and other cultural values. The provisions as proposed are considered to provide a better balance.</p>
4	Chapter 6	<p><u>Primary relief:</u> Delete Section 6 of the Proposed Plan and incorporate elements of that Chapter within the Rural Chapter Section, ensuring that the singular use of ‘avoid’ is balanced by other associated terms such as ‘remedy or mitigate’.</p>	<p>It is unnecessary and confusing to have a separate Chapter on Landscape. Those parts of the District where the landscape categories, and the objectives and policies, apply are all within the Rural zone. It is appropriate that these matters are held in a single chapter.</p>

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5	Chapter 6	<p><u>Secondary relief:</u> In the alternative delete all objectives and policies in proposed Chapter 6 and replace with those that already exist in Section 4.2 of the Operative District Plan (while making minor wording amendments such as replacing “visual amenity landscapes” with “rural landscape category”).</p>	<p>The RMA correctly anticipates that a legitimate outcome of a Plan Review is to find that there is no need to amend existing provisions.</p> <p>The landscape objectives and policies were heavily scrutinised by submitters, Council and the Court over several years before the Operative Plan was settled. They set out clear principles for managing development which are appropriate to the local context and the weighting of matters set out in Part 2 of the RMA. They have been applied for many years with practitioners being familiar with how they should be applied. This aids consistent interpretation and raises the risk of inefficiencies if they are changed. Private Property Ltd agrees with the following statement from page 10 of the s32 assessment on the Strategic Directions Chapter (to the extent that it applies to Section 4.2 of the Plan):</p> <p><i>“Fundamentally, however the landscape provisions in the ODP are considered to function well.”</i></p> <p>By comparison the proposed landscape chapter objectives and policies suffer from the following issues:</p> <ul style="list-style-type: none"> <li>- Long winded and excessive numbers of objectives and policies</li> <li>- Ambiguous wording (e.g. reference to “rural zones”)</li> <li>- Repetition of matters covered in objectives and policies in other chapters</li> <li>- Wording that inappropriately restricts development</li> <li>- Excessively elevating landscape matters in areas where they are but one of many valid considerations (for example by not properly distinguishing the distinct tests appropriate for different landscape categories).</li> </ul> <p>Overall, it would be significantly more efficient and effective in achieving the purpose of the Act to continue to apply Section 4.2 of the Operative District Plan instead of Section 6 with no more than minor and inconsequential amendments.</p>

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6	Policies 21.2.2.1 and 21.2.2.2	<p>Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner, <u>or that do not detract from the life supporting capacity of significant soils.</u></p> <p>Maintain the productive potential and <u>significant</u> soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover.</p>	The productive capacity of soils is a minor resource management issue in the Queenstown Lakes District. The amendments are designed to ensure there is not undue attention given to this matter.
7	Policy 21.2.4.2	<p>Delete:</p> <p><del>Control the location and type of non-farming activities in the Rural Zone, to minimise or avoid conflict with activities that may not be compatible with permitted or established activities.</del></p>	This policy seems unnecessary with 21.2.4.1 being sufficient to rely upon. The submitter is concerned about undue focus on protecting farming activities when farming is a comparatively minor part of the economy.
8	Objective 21.2.8	<p>Amend as follows:</p> <p>Avoid, <u>remedy or mitigate</u> subdivision and development in areas <u>specified on planning maps</u> <del>that are</del> identified as being unsuitable for development.</p>	The submitter is concerned about this having a far broader effect than intended. In particular the submitter is concerned about the connection between this and the proposed natural hazard policy that follows.
9	Objective 21.2.10	<p>Amend as follows:</p> <p>Recognise the potential for <u>and benefits of diversification of rural land use farms that utilises the natural or physical resources of farms and supports the sustainability of beyond traditional farming activities.</u></p>	The submitter is concerned around the emphasis on sustaining the economic potential of farming, rather than recognising the potential benefits of diversification <i>per se</i> . It is not necessarily true that farming offers superior landscape outcomes or better protects natural values than alternative land uses.
10	Rule 21.4.1	Make non-listed activities permitted	The format of this zone with respect to reverting to non-complying status is at odds with other sections of the Plan. There should be a consistent format and reverting to permitted is more appropriate as it reduces the risk of

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			unintended activities needing a consent.
11	Rule 21.4.9	Delete:  <del>The identification of a building platform not less than 70m<sup>2</sup> and not greater than 1000m<sup>2</sup>.</del>	This is an arbitrary rule. If the effects of a rural building platform sized outside of this range can be shown to be appropriate, there is no reason it should not be considered on a discretionary basis.
12	Rule 21.4.10	Amend as follows:  <del>The construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule.</del>	The examples could imply that resource consent is required for inappropriately minor matters.
13	21.7.1	Amend / delete:  <del>These assessment matters shall be considered with regard to the following principles because, in assessing the appropriateness of development in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the zone:</del>  <del>21.7.1.1 The assessment matters are to be stringently applied to the effect that successful applications will be exceptional cases.</del>	These assessment matters imply an unjustifiable level of restriction on development, particularly in areas within the former "District-Wide" Outstanding Natural Landscapes. The assessment matters should be self-explanatory, allowing the assessment of a proposal on its merits. There is no need for these kinds of statements which can cloud a more systematic assessment process.
14	Section 27 – Subdivision and Development	Amend the structure of the Subdivision Zone so that it is consistent with other zones, including through using tables and ensuring that all objectives and policies are located at the beginning of the section.	The structure of the proposed Subdivision and Development Section is confusing and difficult to navigate. There is no reason it cannot follow a format consistent with the rest of the proposed Plan.

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15	Section 27 - Objectives and policies	Reorder and label the objectives and policies to make it clear which are solely applicable to urban areas	The majority of matters raised in the proposed objectives and policies relate to subdivisions in urban areas and it is important that readers and users of the Plan are not confused as to their applicability to rural subdivisions.
16	Policy 28.3.1.2 Objective 28.3.2 Policy 28.3.2.2 Policy 28.3.2.3	Reconsider the extensive number of hazard related policies, remove unnecessary tautology and ensure they are focused on significant natural hazards only.	There are widespread areas identified on Council's hazard database as being subject to at least some natural hazard risk (for example the lowest risk categories of liquefaction risk). It would be inefficient and unjustified for all resource consents in such locations to be required to assess natural hazard risks. A more practical approach is to focus on the avoidance or mitigation of significant natural hazard risk.