

Appendix B - A copy of the Appellants' submission and further submissions;

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

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

TO: Mr Mathew Paetz
Planning Policy Manager
Queenstown Lakes District Council
Private Bag 50077
QUEENSTOWN

SUBMITTER:

Clark Fortune McDonald & Associates

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

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

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

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

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

- i. It does not promote the sustainable management of resources;
- ii. It does not meet section 32 of the Act;
- iii. It does not consistent with Part II of Act;
- iv. It does not represent integrated management or sound resource management practice;
- v. It does not meet the reasonably foreseeable needs of future generations;

- vi. It does not implement the most appropriate standards, rules or methods for achieving the objectives set out in the Proposed District Plan.

2.0 SPECIFIC SUBMISSIONS

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

Submission 1: Urban Growth Boundary

- 2.1 The Section 32 Analysis accompanying this Chapter of the Plan Review is fundamentally flawed. It is considered that this Chapter of the Plan Review should be withdrawn and re-notified for consideration once a complete document has been prepared and Council should not continue to process this Chapter of the Plan Review.
- 2.2 Due to the apparent deficiencies of the Section 32 Analysis, the submitter considers that there will need to be scope to call any additional evidence in the course of the hearing required once full analysis has been provided. This might mean having to adjourn the hearing.
- 2.3 Notwithstanding the submitters concerns in respect of the above, the submitter makes the following submission in the event that the Council elect not to pursue the issue of an incomplete Section 32 Analysis.
- 2.4 Chapter 4 of the Proposed District Plan seeks to promote the containment of urban areas and the intensification within these boundaries in an attempt to limit ad hoc development within greenfield areas. Development which has been established by privately initiated plan changes. The Section 32 Evaluation Reporting would suggest that this policy would be critical of privately initiated plan changes. This is a policy promoted by a Council which has not zoned any residential landuse in the last fifteen years.
- 2.5 Chapter 4 seeks to encourage development within urban boundaries. An overly buoyant market place offering positive returns on urban subdivision has not been sufficient motivation for majority stakeholders of the Districts residentially zoned land to bring lots to market. Without the support of these stakeholders Chapter 4 is extremely unlikely to achieve its objectives.

Submission 2: Subdivision

We OPPOSE the proposed Chapter 27.

- 2.6 The purpose of Chapter 27 does not acknowledge that subdivision upon creation of a residential zone the subdivision of land within does not warrant a discretionary status in creating land parcels where the landuse and servicing have already been accepted.

- 2.7 There seems to have been no analysis or identification of the legal and technical issues created by including Subdivision and Development (Chapter 27) in the Proposed District Plan.
- 2.8 It is unclear if Stage 2 of the Plan review will create a new Subdivision and Development Chapter to apply to the remaining Chapters in Stage 2 or a Council variation will be undertaken for Chapter 27 to apply to those zones. Fundamentally the current approach promoted in the Proposed Plan review is lacking in completeness and sound resource management practice.
- 2.9 Proposed Chapter 27 seems to have been drafted to make all subdivision Restricted Discretionary without adequate analysis as to the effect of this. In order for the proposed residential zoning to occur as part of the review we are promoting a specific Controlled subdivision rule to apply. With the absence of adequate analysis the submitter considers that Chapter 27 of the Plan Review should be withdrawn and re-notified for consideration once a complete document has been prepared. The submitter considers the omission of a complete Section 32 Analysis is a fundamental flaw in the plan review documentation, and that the Council cannot continue to process the Plan Review in the absence of this information.
- 2.10 Due to the apparent deficiencies of the Section 32 Analysis, the submitter considers that there will need to be scope to call any additional evidence in the course of the hearing required once full analysis has been provided. This might mean having to adjourn the hearing.
- 2.11 Controlled activity status is critical to the successful development and completion of subdivision within Special, Industrial, Township, Business and Mixed Use Zones. These are zones where subdivision within is unlikely to result in a change of landuse. They are areas within the Plan where the anticipated level of effects for the zone have been considered and accepted at a local and District Wide Level. They become 'effects bubbles' where effects are contained within or limited to the zone created.
- 2.12 Controlled activity subdivision becomes the tool in implementing the intentions set out in the policies, objectives of these zones. Considerable resource is spent in establishing these zones and controlled activity status of subdivision offers security that the once the zone has been accepted / adopted that development can proceed subject to the consideration of criteria that Council have reserved or can require the applicant to amend where required.
- 2.13 Controlled activity subdivision assessment for criteria ultimately enable Council the ability to require an applicant to accord with the intentions set out in the matters which Council have reserved. As such, progress towards obtaining consent is limited without better alignment to matters reserved. This support has a direct correlation to good design outcomes. Development / Subdivisions with limited financial support are most likely not to provide comprehensive, detailed and fully mitigated consent applications.

- 2.14 Proposed District Planning consenting framework as suggested by the Section 32 Evaluation Reporting seeks to provide a more comprehensive assessment through the revised Subdivision Chapter which will lead to better environmental outcomes. In particular, landscaping and more design is moved from post subdivision landuse consents into the subdivision consent application.
- 2.15 If the intention is to move the level of detailed design and a more critical assessment of visual amenity issues to the forefront of the consent process this significantly increases information levels at an earlier stage resulting in increased pressure on financial resources and will lead to an increased demand upon financial support. The same policy then limits the ability to obtain this financial support by removing the controlled activity status. This is considered to be diametrically opposed to the overall objective in which the Plan Review of Chapter 27 seeks to achieve.
- 2.16 Better financial resources for potential applicant's promotes consultants to find good design solutions for a subdivision, comprehensively designed servicing, the ability to afford Council fees and generally support the planning process. In the case of services designed by applicant's the community ultimately benefits from
- 2.17 Section 32 analysis considers that development within locations which are somewhat departed from established infrastructure require detailed design and involved input from consultants. This input cannot occur with limited financial support resulting in badly serviced ad-hoc development.
- 2.18 We oppose all subdivision being a Restricted Discretionary Activity in the District without the benefit of a thorough analysis.
- 2.19 We submit that Subdivision should be a Controlled activity within all Residential, Township, Town Centres, Business, Industrial and Special Zones.

Submission 3: Rural Lifestyle Zone

We OPPOSE (in part) the Rural Lifestyle Zone.

- 2.20 Rule 22.5.12.3 of the Proposed District Plan serves no logical Resource Management purpose.
- 2.21 The 2ha average specified in Parts 22.5.12.3 and 27.5.1 of the Proposed District Plan was conceived in 1998 in the decision making towards the creation of the 'Dalefield Zone'. The average was to enable the subdivision of large existing allotments. The rule becomes problematic and an inefficient device to determine appropriate densities when applied to smaller lots.
- 2.22 In order to focus development Parts 22.5.12.3 and 27.5.1 of the Proposed District Plan are considered to promote a density of residential development which does not align with the properties ability to absorb development. It does not represent

integrated management, sound resource management nor does it meet the reasonably foreseeable needs of future generations.

Submission 4: Subdivision

We OPPOSE the Rural Lifestyle Zone minimum lot size standard 27.5.1.

- 2.23 Rule 27.5.1 of the Proposed District Plan serves no logical Resource Management purpose. For the reasons outlined in paragraphs 2.20 – 2.22 above the minimum lot size applicable for the Rural Lifestyle Zone shall be a 1 hectare average.

Submission 5: Rural General Zone

- 2.24 Rule 21.4.6 requires that one residential unit be constructed within any building platform approved by resource consent.
- 2.25 Rule 21.4.6 is not supported by the Section 32 Evaluation Report.
- 2.26 The intent to restrict the buildings on approved platforms to one residential unit serves no logical resource management purpose.
- 2.27 The visual amenity effects associated with the construction of the building within the platform is settled during the consent process. An approved building bulk and location envelope is approved. Should this envelope contain more than one residential unit within the platform the extent of the built development remains the same.
- 2.28 Effects associated with more than one residential unit within the approved building platform become limited to additional domestic items such as clothes lines etc and an increased demand upon domestic curtilage may be evident. However, these are aspects of a development which are considered by any resource consent and commonly restricted by consent notice.
- 2.29 An additional residential unit within an approved building platform is likely to invite additional traffic or vehicle movements to the site. However, it is noted that in the Rural General Zone and Rural Lifestyle Zones site size enables sufficient manoeuvring for these vehicle movements on site and it is considered extremely unlikely that vehicles would be required to reverse onto any public road.
- 2.30 In addition, sight distances at entry points to the site are all considered at the time of subdivision consent and additional vehicle movements are unlikely to result in concerns of traffic safety and movement.
- 2.31 The construction of residential flats in the Rural General Zone and Rural Lifestyle Zones is a permitted activity under Parts 21.4.12 and 22.4.6 of the Proposed

District Plan. The “effect” of a flat within the site is directly comparative to that of the use of an approved building platform to contain more than one residential unit.

- 2.32 The establishment of a home occupation in the Rural General Zone and Rural Lifestyle Zones is a permitted activity under Parts 21.4.13 and 22.4.8 of the Proposed District Plan. The operation of a home occupation invites additional vehicle movements to and from a site through courier deliveries and associated activities. It is accepted that this is dependent on the nature of the business associated with the home occupation. Nonetheless, it is considered that a home occupation has potential to invite vehicle movements to and from a site which is comparative to the use of an approved building platform containing more than one residential unit.
- 2.33 Overall, Rule 21.4.6 is not supported by conclusive investigation in the Section 32 Evaluation Report, it does not represent integrated management, sound resource management nor does it meet the reasonably foreseeable needs of future generations.

Submission 6: Rural Lifestyle Zone

- 2.34 Rule 22.5.12.1 requires that one residential unit be located within each building platform.
- 2.35 Rule 22.5.12.1 is not supported by the Section 32 Evaluation Report.
- 2.36 Overall, for reasons outlined in paragraphs 2.24– 2.33 above Rule 21.4.6 does not represent integrated management, sound resource management nor does it meet the reasonably foreseeable needs of future generations.

Submission 7: Transport (Operative Part 14)

- 2.37 The submitter is unclear whether Stage 1 of the Plan Review should be considered without the inclusion of the Transport section of the Operative District Plan within the Stage 1 review. Stage 1 considers matters of District Wide importance. It is considered that the most important District Wide issue facing the community is the Transport.
- 2.38 Notwithstanding, any amendments to the Transport Chapter of the District Plan within Stage 2 of the Plan Review are likely to require a plan change to be completed Stage 1.
- 2.39 In this respect, the submitter considers that the Plan Review should be withdrawn and re-notified for consideration once the Transport Chapter of the Operative District Plan has been included in Stage 1 and accompanied by a Section 32

Replacement Submission Received 13 November

Analysis. This is a fundamental flaw in the plan review and Council cannot continue to process the Plan Review in the absence of this information.

Relief Sought

Submission 1: Urban Growth Boundary

The Urban Growth Boundary be removed from the Proposed District Plan.

Submission 2: Subdivision

Subdivision Chapter 27 is amended to specify controlled activity status within all Residential, Township, Town Centres, Business, Industrial and Special Zones subject to site and zone standards.

Submission 3: Rural Lifestyle Zone

The Rural Lifestyle Zone is amended to remove the lot averages standard 22.5.12.13.

Submission 4: Subdivision

The minimum lot size applicable for the Rural Lifestyle Zone (standard 27.5.1) shall be a 1 hectare average.

Submission 5: Rural General Zone

Rule 21.4.6 is deleted from the Proposed District Plan.

Submission 6: Rural Lifestyle Zone

Rule 22.5.12.1 is deleted from the Proposed District Plan.

Submission 7: Transport

Plan review is withdrawn and re-notified with the Transport Chapter to the District Plan.

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

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

Signature: _____



Date: _____

13.11.15

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