

Form 5

Submission on a Publicly Notified Proposal for Policy Statement or Plan

Clause 6 of First Schedule, Resource Management Act 1991

To: **Queenstown Lakes District Council (“the Council”)**

Name of Submitter: **Tomanovich Investments Limited (“the Submitter”)**

Introduction:

1. Stage 3 of the Proposed Queenstown Lakes District Plan (“**PDP**”) was notified on 19 September 2019 and “proposes a number of new zonings, mapping annotations and variations and amendments to land and provisions decided through Stages 1 and 2 of the PDP”.¹
2. The submitter has an interest in the PDP as a whole, and as such, the submission relates to the PDP in its entirety, including those chapters listed in the public notice.
3. The submitter could not gain an advantage in trade competition through this submission.
4. The submitter has particular interest in Chapter 39 – Wāhi Tūpuna, introduced as part of Stage 3 of the District Plan Review.
5. The submitter’s property is located at Rafters Road, Gibbston Valley as generally identified in Figure 1 below. The submitter’s property is legally referred to in the record of title as Sec 1-3 SO 24038 Blk V Kawarau SD held within CT55/6169

¹ <https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Proposed-District-Plan/PDP-Stage-3/1909.2019-PDPS3-Mountain-Scene-Notice.pdf>

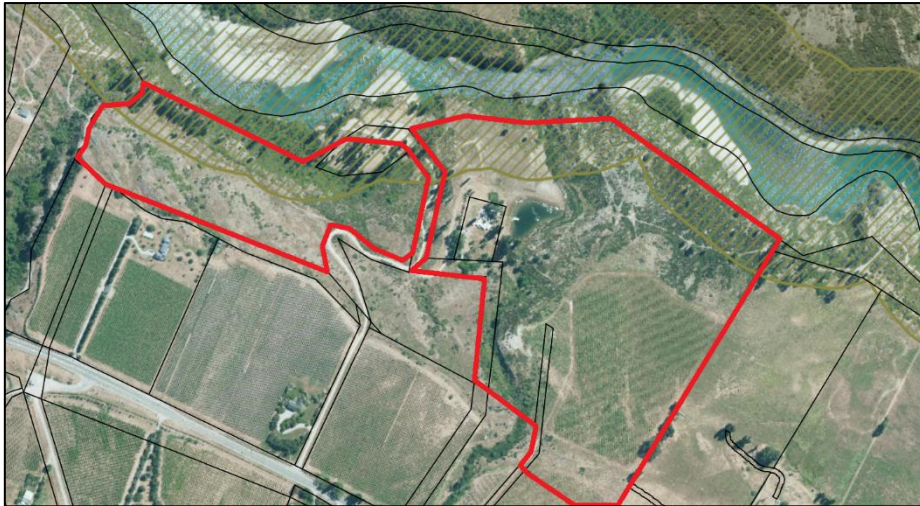


Figure 1: Submitters Property identified in red

- 6. The submitter’s property is affected by the wāhi tupuna overlay, generally as shown in the Figure 1 above.
- 7. The land is identified in the wāhi tupuna overlay as the “Kawarau River”. This is listed at row 24 of proposed Table 39.6 Schedule of Wāhi Tūpuna, which states:

Number	Name	Values	Description of sites included in this area	Recognised threats
24	Kawarau River	Ara tawhito mahika kai, archaeological	Te wai o Koroiko, Ōterotu-Ōterotu is the traditional Māori name for the Kawarau Falls. Ōterotu is located at the outlet of Whakatipu-wai-māori.	<ul style="list-style-type: none"> a. New roads or additions/alterations to existing roads, vehicle tracks and driveways b. Buildings and structures c. Earthworks d. Subdivision and development e. Damming, activities affecting water quality f. Exotic species including wilding pines g. Commercial and commercial recreational activities

Overall Issues

- 8. The submitter **opposes** the PDP for the following reasons:
 - a. It does not accord with, or assist the territorial authority to carry out its functions to achieve the purpose for the Resource Management Act 1991 (“**RMA**”);
 - b. It does not meet section 32 of the RMA;

- c. It does not promote the sustainable management of natural and physical resources, nor does it enable the social, economic and cultural well-being of the community;
- d. It does not meet the reasonably foreseeable needs of future generations;
- e. It does not represent integrated management or sound resource management practice;
- f. It does not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means;
- g. It will not implement and/or give effect to the objectives, policies, and other provisions of the PDP and the other relevant planning instruments, including the Regional Policy Statement; and
- h. It is inconsistent with Part 2 of the RMA and ultimately does not achieve its purpose.

Specific Submission:

- 9. Without derogating from the generality of the above, the submitter **opposes**, in the form as notified, the introduction of the Wāhi Tūpuna chapter and all consequential amendments to the PDP.
- 10. The issues include the following:
 - a. The submitter appreciates what the Council is seeking to achieve by identifying wāhi tupuna and is supportive of measures to appropriately protect the cultural values of manawhenua through the specific identification of those sites of significance to iwi. There is however a significant disjoint between what the *values* are that the Council is seeking to *identify* and *protect*.
 - b. With specific regard to the submitter's property, the wāhi tūpuna overlay crosses the submitter's property at numerous locations and at varying degrees. No values (including any consideration of their significance) have been identified or evaluated in the section 32 report to support the overlay in these locations. This is a significant flaw in the section 32 analysis.
 - c. The Council section 32 report has not taken into account the costs and benefits of the proposal on the properties that are affected by the wāhi tūpuna overlay and its related provisions. For example:

- i. The report for QLDC Agenda Item for Stage 3 Proposed District Plan Notification states that “3,236 separate addresses apply to land on or adjoining the proposed wāhi tūpuna notations”.² This number only relates to rural areas and is therefore expected to be grossly underestimated.
- ii. The costs and benefits analysis under section 32 is deficient as the true costs of the overlay (through additional consenting requirements, uncertainty, and the need for affected persons approval from Iwi authorities) have not been correctly identified and evaluated.
- d. The Council has been providing mixed advice during the submission period regarding the implication of the layer whereby some advice states that if the layer crosses a person’s property, then the rule framework will apply to the entire property whereas other advice has been that the rule framework will only apply to the specific area of the site that includes the layer.
- e. The objectives, policies and rules are vague and ambiguous.

Relief sought:

11. The submitter requests the following decision:

- a. that Chapter 39, its related mapping overlay and its associated variations are **rejected** in their current form;
- b. that the Council undertake further work to identify more concisely those values and sites that they are seeking to protect, the interrelationship with zoned and developed land, and renotify a more informed proposal;
- c. in the alternative, the provisions be modified so as to meet the various concerns of the Submitter as raised in its submission by removing the layer from its property and realigning the boundary to meet with the marginal reserve of the Kawarau River, and to otherwise achieve the purpose of the Act; and
- d. any other additional or consequential relief to the PDP, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission.

12. The suggested revisions do not limit the generality of the reasons for the submission.

13. The submitter wishes to be heard in support of its submission.

² Source: Report for QLDC Agenda Item for Stage 3 Proposed District Plan Notification, 26 August 2019, paragraph 14, page 9.

14. If others make similar submissions, the submitter will consider presenting a joint case at any hearing.



Signed by or on behalf of the submitter

18 November 2019

Date

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