In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-124

Under	the Resource Management Act 1991 (**RMA**)
In the matter of	An appeal under clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan
Between	**Waterfall Park Developments Limited**
	Appellant
And	**Queenstown Lakes District Council**
	Respondent

AMENDED Notice of Appeal

~~19 June~~2 November 2018

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To The Registrar
Environment Court
Christchurch

1 Waterfall Park Developments Limited (**Waterfall Park**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).

2 Waterfall Park is the successor in title to land the subject of a submission and further submission by Ayrburn Farm Estate Limited on the PDP (#430) and (#1258).

3 Waterfall Park is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).

4 Waterfall Park received notice of the decision on 7 May 2018.

5 The decision was made by Queenstown Lakes District Council (**QLDC**).

6 The parts of the decisions appealed relate to:

7 The parts of the decision appealed relate to:

(a) Chapter 2 Definitions;

(b) Chapter 3 Strategic Direction;

(c) Chapter 4 Urban Development;

(d) Chapter 6 Landscapes;

(e) Chapter 22 Rural Residential and Rural Lifestyle;

(f) Chapter 27 Subdivision;

8 Reasons for appeal

Background

9 Waterfall Park owns land located at 343 Arrowtown-Lake Hayes Road legally described as Pt Lot 3 DP 5737 and Lot 1 DP 18109 BLK VII Shotover SD (**Site**). Under the PDP as notified this land was located in the Rural Zone. Waterfall Park submitted on the PDP to amend provisions of the Chapters of the Plan, as well as to rezone the Site to one of:

(a) An extended Rural Residential (north Lake Hayes) Zone;

(b) An extended Waterfall Park Zone;

(c) A zone that recognises the ability of the land to absorb a significant amount of residential development.

10 The rezoning aspects of the Submission have been deferred to 'Stage 2' of the PDP. However provisions applicable in higher order chapters of the PDP in the Council's 'Stage1' Decision are relevant to the Site. This appeal therefore addresses Stage 1 provisions which affect the planning regime for the Site, pending its ultimate rezoning. Given the timing of rezoning decisions and decisions on the text of the plan running concurrently, Waterfall Park reserves the right to amend the relief as set out in this appeal to consequentially reflect the outcomes of any rezoning of its land in Stage 2.

11 Waterfall Park considers that the PDP Decision does not strike an appropriate balance between accepting appropriate growth and how landscape values should be managed in the face of this growth. Rather, the PDP is weighted too far in the direction of protection of all landscapes. This will frustrate appropriate development proposals. Further, the PDP Decision over-emphasises the importance of farming activities. Farming is one method for utilising rural resources, but its long term economic opportunities, in many rural parts of the District, are very uncertain. There are very few farmers that derive their income entirely from farming, particularly within the Wakatipu Basin.

Chapter 3 Strategic Direction

12 Chapter 3 provides for the overarching strategic direction for resource management in the Queenstown Lakes District. The nature of Chapter 3 applying as higher order provisions to all other provisions of the PDP means that Waterfall Park interests are affected by Chapter 3.

13 Significant changes to content and structure of Chapter 3 have occurred between the notified PDP version and the decisions version. Waterfall Park therefore considers that its appeal on this chapter is significantly broad and not limited in scope to original policies and objectives listed.

14 Waterfall Park opposes those provisions of Chapter 3 which do not provide for appropriate diversification of land uses (particularly in the Rural Zones and in Chapter 6 Landscapes which do not provide sufficiently for the social, economic, and cultural wellbeing of people and communities.

15 Waterfall Park opposes the insertion of the new definition of "Resort" and the second sentence of the definition of "Urban Development" which excludes a resort development in an otherwise rural area from the definition of 'Urban Development'. These issues should not have been determined through the Chapter 3 hearing without the benefit of evidence presented in relation to

rezonings in the Wakatipu Basin. Alternatively these definitions should have been deferred and reviewed in the Stage 2 Wakatipu Basin hearing.

16 The exclusion of development areas which are obviously urban in nature from the definition of 'Urban Development' creates an artificial distinction which invites future challenge and creates future uncertainty. It is artificial and inappropriate to determine the nature of 'Urban Development' with reference to the activity use and the occupants of buildings (visitor or permanent resident) when the physical nature of the development, including the buildings, is no different. These definitions appear to have resulted from a desire (for some reason) to exclude Millbrook from the definition of 'Urban Development' when Millbrook is obviously urban in nature and character, rather than being determined on reasonable planning principles and logic.

17 A consequence of these definitions is that the policy regime in the district plan in relation to urban growth boundaries, being an intention to constrain urban growth within identified urban growth boundaries, is significantly undermined as far as the Wakatipu Basin is concerned.

18 The specific provisions of Chapter 3 and the relief sought by Waterfall Park are set out in **Appendix A** to this Appeal.

Chapter 4 Urban Development

19 Waterfall Park Waterfall Park opposes amendments to Chapter 4 (compared to the notified version) relating to urban growth, and urban growth boundaries, which limit the application of Chapter 4 to "*key*" or "*main*" urban areas. Waterfall Park understands that the purpose of the UGB regime is to manage and control urban growth, particularly in the Wakatipu Basin. Those amendments will significantly undermine the purpose and intention of the UGB regime because the UGB regime will capture some (but not all) smaller urban areas, particularly in the Wakatipu Basin which is probably where the greatest likelihood of future urban growth arises.

20 If there is to be a distinction between urban and non-urban areas, and if there is to be a policy regime put in place to manage, control or avoid the spread of urban growth, Waterfall Park considers that the UGB regime should apply to all urban areas, not just the larger urban areas.

21 Waterfall Park opposes the need for a UGB to contain any "*transition to rural areas*". Waterfall Park considers that, in many cases, a 'hard' urban boundary is more distinctive, and is easier to defend, than a 'soft' urban boundary.

22 Waterfall Park opposes the concept that there should be no further urban development in the Wakatipu Basin until it is established that "*more land is*

needed to meet urban demand". That approach precludes the possibility of identifying and rezoning areas of land that might be entirely suitable for residential development and in respect of which urban development may be a more efficient and effective use of the land resource than an alternative, lower density, residential development.

23 The specific provisions of Chapter 4 and the relief sought by Waterfall Park are set out in **Appendix A** to this Appeal.

Chapter 6 Landscapes

24 Waterfall Park opposes those policies relating to the preference for farming as the means to protect landscape values as these are disproportionately weighted towards the protection of agriculture and fail to provide for those rural landscapes where pastoral farming does not occur such as in identified rural living zones. 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.

25 Waterfall Park seeks in particular to clarify that provisions of Chapter 6 are not applicable to the Rural Lifestyle and Rural Residential Zones of Chapter 22 (and the Chapter 24 Wakatipu Basin Lifestyle Precinct once subsequently decided).

26 The specific provisions of Chapter 6 and the relief sought by Waterfall Park are set out in **Appendix A** to this Appeal.

Chapter 22 Rural Residential and Rural Lifestyle

27 Specific amendments are sought to the Rural Residential and Rural Lifestyle Zone to ensure an efficient and effective rural living development regime, consistent with the purpose of the Zone. This relief is sought in the alternative, given that the Site is potentially to be rezoned in Stage 2 of the PDP as Wakatipu Basin Lifestyle Precinct Zone.

28 The specific provisions of Chapter 22 and the relief sought by Waterfall Park are set out in **Appendix A** to this Appeal.

Chapter 27 Subdivision

29 Subdivision in the rural living zones has been amended through Stage 1 of the PDP to change from a controlled activity regime, to restricted discretionary. Waterfall Park opposes this change as it fundamentally undermines the ability for the Zone to achieve its purpose of rural living development to approved density standards. There is no adequate justification in the decision from Council to remove the controlled activity status, and consequentially significantly reduce certainty and landowners rights. The Council can adequately address and control

any adverse effects on infrastructure, landscape, amenity values, and other adverse effects through an effective controlled activity regime.

30 Rural living zones are sought to be included in the list of recognised non-notified subdivision activities in Chapter 27, given the strategic importance of rural living to the District.

31 The specific provisions of Chapter 27 and the relief sought by Waterfall Park are set out in **Appendix A** to this Appeal.

Further and consequential relief sought

32 Waterfall Park seeks alternative, consequential, or additional relief to that set out in this appeal necessary or desirable to give effect to the matters raised generally in this appeal and Waterfall Park's PDP submission.

Attachments

The following documents are **attached** to this notice:

Appendix A – Relief sought

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

Appendix C - A copy of the relevant parts of the decision; and

Appendix D - A list of names and addresses of persons to be served with this notice.

Dated this ~~19~~th 2nd day of ~~June~~ November 2018

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Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the Appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Christchurch

Provision (PDP decision version)	Reason for appeal	Relief sought
Chapter 2 Definitions		
Urban Development	The combination of the Urban Development and Resort definitions results in an artificial distinction between urban development, based on it being of a residential or visitor accommodation nature, which will undermine the policy objective of the UGB regime. The definitions should be amended to ensure that the UGB policy regime captures all urban growth.	Amend the definition of Urban Development as follows: Means development which is not of a rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services such as water supply, wastewater and storm water and by its cumulative generation of traffic. ~~For the avoidance of doubt, a resort development in an otherwise rural area does not constitute urban development~~
Resort	The combination of the Urban Development and Resort definitions results in an artificial distinction between urban development, based on it being of a residential or visitor accommodation nature, which will undermine the policy objective of the UGB regime. The definitions should be amended to ensure that the UGB policy regime captures all urban growth.	Delete the definition of Resort
Chapter 3 Strategic Direction		
Strategic policy 3.2.5.2 The rural character and visual amenity values in identified	Clarify that this policy does not apply to rural living zones (or the Stage 2 proposed Wakatipu Basin Precinct (**WB Precinct)**), including the Site, or otherwise clarify the	Clarify strategic policy 3.2.5.2 does not apply to rural living zones and the WB Precinct; or Amend so 3.2.5.2 as follows

Provision (PDP decision version)	Reason for appeal	Relief sought
Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values.	application of the policy	The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change ~~without materially detracting from those values.~~
Policy 3.3.24 Ensure that cumulative effects of new subdivision and development for the purposes of rural living does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character. (relevant to S.O. 3.2.1.8, 3.2.5.1 and 3.2.5.2	Ensure this policy is not applicable to rural living zones or the WB Precinct as this would otherwise undermine the purpose of those zones	Clarify or amend strategic policy 3.3.24 does not apply to rural living zones or the WB Precinct, including the Site.
Policy 3.3.32 Only allow further land use change in areas of the Rural Character Landscapes able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded. (relevant to S.O. 3.2.19 and 3.2.5.2)	Ensure this policy is not applicable to rural living zones or the WB Precinct as this would otherwise undermine the purpose of those zones	Clarify that strategic policy 3.3.32 does not apply to rural living zones, or the WB Precinct including the Site or otherwise amend the policy to better enable rural living and subdivision.
New policy 3.3.2x	The current policy 3.3.22 recognises the need to 'provide for rural living opportunities in appropriate locations'. This is the only positive policy which acknowledges the existence and	**3.3.2.xx New Policy –** Recognise and provide for the amenity, social, cultural, and economic benefits of rural living development

Provision (PDP decision version)	Reason for appeal	Relief sought
	benefits of rural living development. In light of the new objective and policy suite sought in Chapter 24, which further recognises the benefits of rural living development, it is important that this is also recognised at the strategic level. The specifics of these provisions are to be addressed further in Stage 2, however given the uncertainties of the Council's approach to staging the District Plan, also form part of this appeal	
Chapter 4 Urban Development		
Purpose 4.1 The purpose of this Chapter is to set out the objectives and policies for managing the spatial location and layout of urban development within the District. This chapter forms part of the strategic intentions of this District Plan and will guide planning and decision making for the District's major urban settlements and smaller urban townships. This chapter does not address site or location specific physical aspects of urban development (such as built form) - reference to zone and District wide chapters is required for these matters.	References to the terms 'major' urban settlements and 'smaller' urban townships is not supported as this undermines the purpose and intention of the UGB regime such that it may not capture smaller urban areas which may generate inappropriate urban development expansion, particularly those in the Wakatipu Basin.	Amend the purpose 4.1 as follows: The purpose of this Chapter is to set out the objectives and policies for managing the spatial location and layout of urban development within the District. This chapter forms part of the strategic intentions of this District Plan and will guide planning and decision making for the District's ~~major~~ urban settlements ~~and smaller urban townships~~. This chapter does not address site or location specific physical aspects of urban development (such as built form) - reference to zone and District wide chapters is required for these matters. …
Policy 4.2.1.6 Review and amend urban Growth boundaries over time, as required to address changing community needs.	This policy precludes the possibility of identifying and rezoning areas of land suitable for urban development.	Amend policy 4.2.1.6 as follows: Review and amend urban Growth boundaries over time, as required to address changing community needs, or enable appropriate urban development.

Provision (PDP decision version)	Reason for appeal	Relief sought
Chapter 4 Purpose	The new term 'key' and the exclusion of the Wakatipu Basin are not supported as these undermine the purpose and intention of the UGB regime such that it may not capture smaller urban areas which may generate inappropriate urban development expansion, particularly those in the Wakatipu Basin.	Amend Chapter 4 Purpose as follows: … Urban Growth boundaries are established for the ~~key~~ urban areas of Queenstown-Frankton, Wanaka, Arrowtown, the Wakatipu Basin, and Lake Hawea Township, providing a tool to manage anticipated growth while protecting the individual roles, heritage and character of these urban areas. Specific policy direction is provided for these areas, including provision for increased density to contribute to more compact and connected urban forms that achieve the benefits of integration and efficiency and offer a quality environment in which to live, work and play.
Objective 4.2.1- Urban Growth boundaries used as a tool to manage the growth of larger urban areas within distinct and defendable urban edges. (from Policies 3.3.12 and 3.3.13)	The new term 'larger' is not supported as this undermines the purpose and intention of the UGB regime such that it may not capture smaller urban areas which may generate inappropriate urban development expansion, particularly those in the Wakatipu Basin.	Amend Objective 4.2.1 as follows: Objective - Urban Growth boundaries used as a tool to manage the growth of ~~larger~~ urban areas within distinct and defendable urban edges. (from Policies 3.3.12 and 3.3.13)
Policy 4.2.1.1 Define Urban Growth boundaries to identify the areas that are available for the growth of the main urban settlements.	As above, the use of the word 'main' in this policy is uncertain in its application, and may not achieve the intent of Chapter 4 to protect more vulnerable rural areas from inappropriate urban expansion.	Amend Policy 4.2.1.1 as follows: Define Urban Growth boundaries to identify the areas that are available for the growth of the ~~main~~ urban settlements
Policy 4.2.1.2 Focus urban development on land within and at	The new term 'larger' is not supported as this undermines the	Amend policy 4.2.1.2 as follows:

Provision (PDP decision version)	Reason for appeal	Relief sought
selected locations adjacent to the existing larger urban settlements and to a lesser extent, accommodate urban development within smaller rural settlements	purpose and intention of the UGB regime such that it may not capture smaller urban areas which may generate inappropriate urban development expansion, particularly those in the Wakatipu Basin.	Focus urban development on land within and at selected locations adjacent to the existing ~~larger~~ urban settlements and to a lesser extent, accommodate urban development within smaller rural settlements
Policy 4.2.2.12 Ensure that any transition to rural areas is contained within the relevant urban Growth boundary.	There is no RMA justification for not allowing a hard urban edge. If a soft transition is appropriate this should be included within the adjacent rural zoned land so as to ensure that land zoned within the UGB can achieve its urban purpose.	Delete 4.2.2.12
Policy 4.2.2.21 Rural land outside of the Urban Growth boundaries is not used for urban development until further investigations indicate that more land is needed to meet demand for urban development in the Wakatipu basin and a change to the Plan amends the urban Growth boundary and zones additional land for urban development purposes	This policy precludes the possibility of identifying and rezoning areas of land suitable for urban development.	Amend Policy 4.2.2.21 as follows: Rural land outside of the Urban Growth boundaries is not used for urban development until ~~further investigations indicate that more land is needed to meet demand for urban development in the Wakatipu basin and~~ a change to the Plan amends the urban Growth boundary and zones additional land for urban development purposes.
Chapter 6 Landscapes		
6.2 Values	The introductory section to Chapter 6 does not achieve an appropriate balance between protecting landscape values and	Amend 6.2 Values as follows:

Provision (PDP decision version)	Reason for appeal	Relief sought
… Some rural areas, particularly those closer to the Queenstown and Wanaka urban areas and within parts of the Wakatipu Basin, have an established pattern of housing on smaller landholdings. The landscape character of these areas has been modified by vehicle accesses, earthworks and vegetation planting for amenity, screening and shelter, which have reduced the open character exhibited by larger scale farming activities. While acknowledging these rural areas have established rural living and development, and a substantial amount of further subdivision and development has already been approved in these areas, the landscape values of these areas are vulnerable to degradation from further subdivision and development. Areas where rural living development is at or is approaching the finite capacity of the landscape need to be identified if the District's distinctive rural landscape values are to be sustained. Areas where the landscape can accommodate sensitive and sympathetic rural living developments similarly need to be identified.	enabling rural living and the benefits which flow from rural living.	6.2 Values … Some rural areas, particularly those closer to the Queenstown and Wanaka urban areas and within parts of the Wakatipu Basin, have an established pattern of housing on smaller landholdings. The landscape character of these areas has been modified by vehicle accesses, earthworks and vegetation planting for amenity, screening and shelter, which have reduced the open character exhibited by larger scale farming activities. While acknowledging these rural areas have established rural living and development, and a substantial amount of further subdivision and development has already been approved in these areas, ~~the landscape values of these areas are vulnerable to degradation from further subdivision and development. Areas where rural living development is at or is approaching the finite capacity of the landscape need to be identified if the District's distinctive rural landscape values are~~

Provision (PDP decision version)	Reason for appeal	Relief sought
		~~to be sustained.~~ Areas where the landscape can accommodate sensitive and sympathetic rural living developments ~~similarly~~ need to be identified.
Policy 6.3.3 Provide a separate regulatory regime for the Gibbston Valley (identified as the Gibbston Character Zone), Rural Residential Zone, Rural Lifestyle Zone and the Special Zones within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply unless otherwise stated. (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32).	No provisions of the landscape category should be applicable to rural living zones or the WB Precinct as this could undermine the purpose and objective of those zones to achieve rural living	Amend Policy 6.3.3 as follows: Provide a separate regulatory regime for the Gibbston Valley (identified as the Gibbston Character Zone), Rural Residential Zone, Rural Lifestyle Zone, <u>the WB Precinct,</u> and the Special Zones within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply ~~unless otherwise stated.~~ (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32).
Policy 6.3.4 Avoid urban development and subdivision to urban densities in the rural zones. (3.2.2.1, 3.2.5.1, 3.2.5.2, 3.3.13-15, 3.3.23, 3.3.30, 3.3.32).	Policy 6.3.4 is applicable to rural living zones. This does not take into account existing consented or zoned development which is of an urban nature in resort zones otherwise surrounded by Rural land and which therefore affects absorption capacity of adjacent land or the appropriateness of development of adjacent lands. The avoidance policy will not allow future development in areas which could be suitable for	Delete policy 6.3.4 or otherwise amend to enable appropriate urban development in appropriate locations.

Provision (PDP decision version)	Reason for appeal	Relief sought
	this.	
Policy 6.3.7 Enable continuation of the contribution low-intensity pastoral farming on large landholdings makes to the District's landscape character. (3.2.1.7, 3.2.5.1, 3.2.5.2, 3.3.20).	Applying this policy in the rural living zones which provides primacy for farming is contrary to the purpose and objective of chapter 22, to enable rural living development.	Delete policy 6.3.7 or otherwise amend to exclude rural living zones and the WB Precinct
Policies 6.3.19 – 6.3.29 (managing activities in Rural character Landscapes	Clarify that rural living zones are excluded from assessment against these policies, or otherwise amend to enable rural living development to occur within those rural living zones or the WB Precinct.	Clarify that rural living zones and the WB Precinct are excluded from assessment against 6.3.19 -6.3.29, or otherwise amend those policies to ensure an efficient rural living development regime for Chapter 22 is achieved.
Policy 6.3.20 Encourage plan changes applying Rural Lifestyle and Rural Residential Zones to land as the appropriate planning mechanism to provide for any new rural lifestyle and rural residential developments in preference to ad-hoc subdivision and development and ensure these zones are located in areas where the landscape can accommodate the change. (3.2.1.8, 3.2.5.2, 3.3.22, 3.3.24, 3.3.32).	This policy could have unintended consequences in requiring developments to proceed as plan changes, resulting in a disperse and unwieldly District Plan, which this Review has sought to avoid.	Delete policy 6.3.7 or otherwise amend to exclude rural living zones and the WB Precinct

Provision (PDP decision version)	Reason for appeal	Relief sought
Policy 6.3.26 Avoid adverse effects on visual amenity from subdivision, use and development that: a. is 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); or b. forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads. (3.2.1.1, 3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.20-21, 3.3.24-25, 3.3.30, 3.3.32).	Some rural living zones and the WB Precinct will by their nature have visible development, this policy will not allow such development to occur and is therefore contrary to that zone's / Precinct's purpose.	Amend Policy 6.3.26 as follows: ~~Avoid~~ Mitigate inappropriate adverse effects on visual amenity from subdivision, use and development that: a. is 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); or b. forms the foreground of views to ~~for~~ an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads. (3.2.1.1, 3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.20-21, 3.3.24-25, 3.3.30, 3.3.32).
Policy 6.3.27 In the Wakatipu Basin, avoid planting and screening, particularly along roads and boundaries that would degrade openness where such openness is an important part of its landscape quality or character. (3.2.1.1, 3.2.1.8, 3.2.5.2, 3.3.20-21, 3.3.24-25, 3.3.32).	This policy is contradictory to this type of activity being permitted and already established in many landholdings in this Basin.	Delete policy 6.3.27 or otherwise amend to apply this policy only in respect of consideration at the stage of subdivision and design / in any proposed mitigation
New policy 6.3.xx Rural living and development in the	Provide specific policy support for rural living and development	**New Policy 6.3.1.xx** - Recognise the distinctive character of

Provision (PDP decision version)	Reason for appeal	Relief sought
Wakatipu Basin	in the Wakatipu Basin and the WB Precinct and its distinctive development aspects. The specifics of these provisions are to be addressed further in Stage 2, however given the uncertainties of the Council's approach to staging the District Plan, also form part of this appeal	the Wakatipu Basin and the amenity benefits of rural living development in this area.
Chapter 22 Rural Residential and Rural Lifestyle		
~~Policy 22.2.1.4~~ ~~Manage anticipated activities that are located near Outstanding Natural Features and Outstanding Natural Landscapes so that they do not diminish the qualities of these landscapes and their importance as part of the District's landscapes.~~	~~This policy is an unnecessary repetition of provisions included in Chapter 6 and is uncertain in its application as to what development constitutes being 'near' ONL / ONFs. The policy should be limited to adverse effects on views to ONLs / ONFs if it is to be retained.~~	~~Delete policy 22.2.1.4 or otherwise amend to clarify what is near an ONL / ONF~~
~~Policy 22.2.2.2~~ ~~Any development, including subdivision located on the periphery of residential and township areas, shall avoid undermining the integrity of the urban rural edge and where applicable, the urban growth boundaries.~~	~~This policy is unclear in its application as the urban rural edge is not defined, particularly in places like Ayrburn where it is adjacent to Resort Zones of Waterfall Park and Milbrook. This is also duplication of Chapter 4.~~	~~Delete policy 22.2.2.2~~

Provision (PDP decision version)	Reason for appeal	Relief sought
~~Policy 22.2.3.1~~ ~~Discourage new development that requires servicing and infrastructure at a cost to the community~~	~~The application of this policy is unclear, given that many infrastructure upgrades will bear some cost to the community through Council and Government contributions. This is also repetition of subdivision and development policies relevant to landowners bearing the costs of subdivision~~	~~Delete policy 22.2.3.1~~
~~Rule 22.5.12 Residential Density: Rural Lifestyle Zone~~ ~~22.5.12.1 – One residential unit within each building platform~~	~~There is no justification for the limitation of one unit per building platform, where in most instances building platforms are large (1000m^2) and through innovative design can lead to better outcomes in terms of provision of greater housing opportunities and a mix of housing types in the District. The specifics of these provisions are to be addressed further in Stage 2, however given the uncertainties of the Council's approach to staging the District Plan, also form part of this appeal~~	~~Amend Rule 22.5.12.1 – 12.5.12.3 to provide for two units per building platform.~~
Chapter 22: Specific objectives, policies, and rules to give effect to alternative relief of a site-specific Rural Residential Zoning	Insert new site specific provisions in Chapter 22 as set out in the Submission which enable site-specific planning.	Amend Chapter 22 – New Table x Ayrburn Rural Residential Zone as set out in the attached Submission.
Chapter 27 subdivision		
Rule 27.5.8 All subdivision activities in the District's Rural	The default activity status for rural living subdivision is opposed	Amend Rule 27.5.8 to provide a default controlled activity

Provision (PDP decision version)	Reason for appeal	Relief sought
Residential and Rural Lifestyle Zones	on the basis there is no justification to remove the existing controlled activity regime. Matters of control should be reserved to those which are necessary to achieve the Chapter 22 overall purpose and objectives which are to enable rural living opportunities and maintain and enhance amenity landscape values	status and refine the listed matters of control to just those necessary to achieve the Chapter 22 purpose and objectives.
Planning Maps 26 / 24		
	~~Alternative relief – extend the Waterfall Park Special Zone over the Site / provide for the Ayrburn Rural Residential Zone.~~	~~Amend the planning maps to provide for an Ayrburn Rural Residential Zone; or~~ ~~Extend the Waterfall Park Zone over the Site and provide for consequential amendments to Chapter 42 as necessary and as set out in the attached Submission.~~

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

Appendix C - A copy of the relevant parts of the decision; and

Appendix D - A list of names and addresses of persons to be served with this notice.