BEFORE THE QUEENSTOWN LAKE DISTRICT COUNCIL
AT QUEENSTOWN

IN THE MATTER the Resource Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes District Council Proposed District Plan

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Synopsis of Submissions in Support of Submissions (noted)

James Wilson Cooper, John Troon, Graeme Todd and Jane Todd, Leslie Richard Nelson and Judith Anne Nelson, Trilane Industries Limited Cabo Limited, Hogan Gully Farm Limited and Morven Ferry Limited

Dated the 27th day of May 2016

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MAY IT PLEASE THE COMMISSIONERS

1. These brief submissions are made in support of submissions and where applicable, further submissions, filed in respect of the Proposed District Plan (PDP) by:

   James Wilson Cooper (400 and 1162);

   John Troon, Graeme Todd and Jane Todd (27 and 1163);

   Leslie Richard Nelson and Judith Anne Nelson (402 and 1165);

   Trilane Industries Limited (405);

   Cabo Limited (481);

   Hogan Gully Farm Limited (456 and 1154); and

   Morven Ferry Limited (629).

2. A number of the submitters either seek rezoning of all or parts of their property or oppose the rezoning of neighbouring property. Other submitters generally support the PDP provisions or seek minor changes to specific plan provisions as notified.

3. In terms of those that seek or oppose rezoning substantive submissions and evidence in support of their submission will be given at the time of the hearings into the Maps that form part of the PDP.

4. The parties I represent own or have an interest in a range of rural zoned land throughout the District from probably the largest (in economic terms) farming operation in the District (which is also the only dairy farm in our District) to an 8,000m^2 rural living allotment in the Wakatipu Basin.

5. Before turning to the specifics of the individual subdivision, can I confirm that I have had the benefit of reading the majority of the legal submissions and briefs of evidence that have been presented to this hearing stream. I have also tried to listen to the recordings of the hearings although unfortunately this has proven to be difficult and frustrating given the quality of the recordings and the difficulty in hearing questions from panel members and answers given by submitters, counsel or witnesses.

6. I do not intend to repeat the majority of the matters you have already heard and will hear this afternoon. Can I say however, that I believe that in terms of the issues relating to provisions (or lack thereof) contained or which should be contained in the PDP for Rural living, I thought the legal submissions of Warwick Goldsmith and Rosie

Hill were extremely well developed and highly relevant in terms of the matters you are required to consider. The evidence in support of such submissions as they relate to the predominance given to farming activities and lack of recognition and provision for rural living especially as it relates to the Wakatipu Basin was also accurate and highly relevant.

7. With respect to the councillors and staff who have drafted the PDP and the staff, expert witnesses and legal advisors who have written the s42 reports, given evidence or legal submissions in respect of Council's position, there needed to be a major reality check in terms of exactly what is occurring today within the Wakatipu Basin.

8. I have lived in the District for 35 years including for a large part, in the rural area. I have also acted during that period for a wide range of Wakatipu Basin residents and other entities who have some involvement in the same.

9. I calculate that there are now less than ten "real" pastoral farmers left in the Wakatipu Basin who run what might be described as "real" farms and who would have the infrastructure one would expect to be associated with a pastoral farm such as wool sheds, milking sheds etc.

10. From my own perspective I live on Slopehill Road (west). In terms of all the properties along that road, which I estimate would comprise 350 hectares, there is only one landowner (who happens to be a very busy local doctor), who grazes any livestock and one other property where a local policeman grazes a few sheep. Two other owners have horses.

11. Yes, I agree you will often see properties throughout the basin where sheep are being grazed, but in my experience and knowledge, that is often simply for the purposes of keeping the grass 'mown' on blocks of land that are otherwise too large to maintain by the rural living owner who normally does not maintain the equipment such as tractors and mowers capable of mowing larger areas.

12. In summary, I and those that I represent who have an interest in provisions relating to rural living, generally support the legal submissions and evidence which has been given seeking great recognition of the rural living already occurring and provisions for objectives, policies, rules and assessment matters that provide the opportunity for such in appropriate locations in the future.

13. What is important is that the Plan provisions recognise that such must be at a section in the correct location and make provision for avoiding, remedying and mitigating the adverse effects of such and most importantly, do not result in over domestication of what I would suggest is really an amenity rather than a rural landscape.

14. Turing now to the specific parties I represent and what they have sought in terms of their submissions.

15. **James Wilson Cooper – Submission 400 and further Submissions 1162**

Mr Cooper owns approximately 2,600 ha of rural zoned land on the Hawea Flats bordered by the Hawea River to the west, the Clutha River to the south, Kane Road to the east and Camp Hill Road to the north. He also has an interest in other rural land at Mount Baker in the Upper Clutha which is used to support his main farm.

16. The Hawea Flat property has, and continues to be developed as a dairy farm known as Devon Dairy Farm, which eventually will have 6-8 milking sheds and will run about 4,500 dairy cows. Currently there are three milking stations and in excess of 2,500 cows are milked. Up to twenty staff are employed on the property.

17. The overall farming operation would be the most highly valued farming operation in the District with the land component alone being purchased five years ago before any development occurred for in excess of $30 million.

18. Mr Cooper only has some minor issues with the provisions of the PDP. That is not to say that at times he has been highly frustrated by the cost and time incurred in obtaining consents for infrastructure (irrigation pivots, milking sheds and housing for staff) notwithstanding farming (including dairy farming) is a permitted activity in what is described as a Rural Zone within which the farm is located.

19. Mr Cooper's submissions as it relates to the chapters being considered by you relating to:

    a. Rule 21.5.5 and the requirement to have all effluent holding tanks and treatment and storage ponds set back at least 300m from any road or adjoining property.

20. Normally such facilities are located in close proximity to the milking sheds and given the need for access to roading for transporting milk it is often impracticable to have these located a significant distance back from adjoining roads.

21. Indeed, one of the milking sheds and associated effluent holding tanks and treatment and storage ponds on the Cooper property is located immediately adjacent to Camp Hill and Butterfield Roads and my client is not aware of any complaint having been made in respect of the same.

b. Designation E18B, the list contained in Rule 33.71 and the definition of clearance and vegetation as the same relates to Significant Natural Areas of Indigenous Vegetation.

22. This part of the submissions relates to the identification of a Significant Natural Area of Indigenous Vegetation on the Cooper property, the accuracy of the list of plants included in the list at rule 33.71 to the extent they might be threatened and the inclusion of irrigation as a means of clearing of indigenous vegetation.

23. The Cooper property has been extensively developed with pivot irrigation over the last five years. The area identified in Designation E18B as containing some significant indigenous vegetation is actually within one of the areas covered by an irrigation pivot. That area will be the subject of a more detailed submission at the time of hearings into the Maps.

24. In the interim, Mr Cooper relies on a submission and evidence presented to you in support of the submission of Jerry Bell Investments Limited and Federated Farms in terms of the inclusion of irrigation as a means of clearance of indigenous vegetation.

25. **John Troon, Graeme Todd and Jane Todd – Submission 27, Further Submission 1163**

These submissions and further submissions are filed on behalf of the Graeme Todd Family Trust (of which I am a trustee) and my wife as registered proprietors of 122 Slopehill Road (west). The property is a rural living property of some 8000m^2 created in the early 1990's from rules that existed at that time, allowing creation of rural living allotments of 8000m^2 and 20 hectares based on the size of the parent landholding. This was a subdivision of part of what is the Stalker Farming Trust property.

26. The submissions and further submissions primarily support the position of the zoning boundaries east and above Lower Shotover Road and in particular the proposed boundary of the Rural Lifestyle and Rural General Zone. In particular, the further submissions opposes submissions of a number of neighbouring property owners to

move the boundary further up the slopes of Slopehill to enable those properties to be rezoned Rural Lifestyle.

27. The primary concern of the Trust and Mrs Todd is that if such submissions seeking rezoning are allowed, this would result in over domestication of the landscape. The Trust and Mrs Todd wish to make it clear they do not oppose neighbouring properties being developed for rural living; indeed the majority of those properties now sought to be rezoned have already been subdivided and developed for such use, but simply the intensity of such which would be allowed by the rezoning now sought.

28. **Leslie Richard Nelson and Judith Anne Nelson - Submissions 402, Further Submission 1165**
The submitters are the registered proprietors of land located on Mooney Road, in the Wakatipu Basin. The submitter's land is included in land proposed to be rezoned Rural Lifestyle. The submitters support such rezoning.

29. The submitters support the deletion of the rules for such zone which seek to impose an average lot size of 2 hectares. The submitters supports and adopt the submission and evidence you have already heard that seek the deletion of such rule.

30. The submitters primary position is that if the land is to be zoned for rural living, the non complying statues of subdivision below 2 hectares is too high a bar to overcome to justify in appropriate cases subdivision to a smaller area which might otherwise be justified.

31. **Trilane Industries Limited – Submission 405**
Trilane owns a property between the Wanaka-Glendhu Bay Road and Lake Wanaka upon which Whare Kea Lodge is located. There is an airstrip located on my client's property and partly on its neighbours' properties known as the Ruby Island airstrip which has existed for many years but has never formally been consented. An application for consent to formalise the airstrip ownership is currently being finalised and will be filed with Council next month.

32. Trilane had some issues with the rules for informal airports as originally notified but its submission would generally be satisfied by the amendments now being proposed by Council staff in its s42 report.

33. **Cabo Limited – Submission 481 and further Submission 1356**
This submitter is the registered proprietor of Wyuna Station which in part, surrounds

the Glenorchy township on its norther and eastern boundaries. Part of the station is proposed to be zoned Rural Lifestyle.

34. In respect of such rezoning the submitter's primary submission proposes some corrections and seeks adoption of some objectives and policies as they relate to such rezoning.

35. The further submission opposes any relaxation in the proposed objectives, policies, rules or assessment matters as it relates to the activity of mining in the Rural General Zone. The submitter is ardently opposed to the activity of mining and believes such activity should be subject to stringent controls as proposed in the notified PDP.

36. **Hogan Gully Farm Limited – Submission 456, Further Submissions 1154**
Hogan Gully Farm Limited (Hogan Gully) is the owner of land located between State Highway 6, McDonnell Road, Hogan Gully Road and the Bendemeer Special Zone. It has sought the rezoning of its land and modification of the PDP provisions to enable more diverse non-farming uses of its land and in particular, to enable it to be developed and used as a golf course with associated facilities and is part zoned Rural Residential. This submission is supported by a detailed section 32 analysis that supports such submission.

37. The submission gives detailed reasons for the changes sought. Mr Brown has given evidence on behalf of Hogan Gully on Chapters 3 and 6 and will present further evidence in support of its submissions later today.

38. Hogan Gully supports and adopts the submissions and other evidence that has and will be presented to you today that seeks recognition of the existing enhancement of rural living development that has already occurred in the Wakatipu Basin and amendments to the PDP that will enable such in the future, provided the objectives, policies, rules and assessment matters are met and the specific location for such is appropriate.

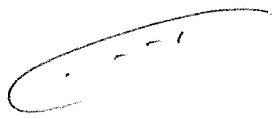
39. Finally, Hogan Gully opposes certain submissions as noted in its further submissions that would seek to oppose its proposed rezoning.

40. **Morven Ferry Limited – Submission 629, Further Submission 1327**
Morven Ferry Limited is the owner of land located on Morven Ferry Road in the Wakatipu Basin. Its primary submission seeks the rezoning of such land and neighbouring land owners by Barnhill for Rural Visitor and Rural Residential. This

submission is supported by a detailed section 32 analysis which has been filed with the Council as part of the primary submission.

41. For the purposes of the hearing on Chapter 22, the submission seeks the inclusion of an additional setback rule and that subdivision in the Rural Residential and Rural Visitor zones should be a controlled activity rather than a discretionary activity for the reasons detailed in the submission.

42. The submitter will provide evidence in support of its submission and the rezoning at the time of hearings into the PDP Maps, but as with other submitters, it supports and adopts the submissions and evidence presented to you to date that seek greater recognition of the existing environment and development in the Rural General zone and that seeks changes to the PDP provisions that would enable further development for tourism and Rural living opportunities in appropriate locations in the Rural General Zone in the future.



Graeme M Todd
Counsel for Submitters