



Form 5

Submission on Proposed Queenstown Lakes District Plan - Stage 3

Clause 6 of Schedule 1, Resource Management Act 1991

To: Queenstown Lakes District Council

Submitter: Upper Clutha Transport Ltd

Address for Service: Upper Clutha Transport Ltd
C/- Edgar Planning Ltd
1 Kamahi Street
Wanaka 9305

Attn: Scott Edgar
scott@edgarplanning.co.nz
021 048 1313

1.0 Background:

- 1.1 Having established in Luggate in the early 1900s Upper Clutha Transport (UCT) have operated out of their depot on Main Road Luggate for over 100 years. UCT provide a wide range of services including haulage of freight and livestock, bulk cartage, earthmoving, hiab hire and fertilizer and lime spreading. In addition UCT supply aggregates, sand and landscape supplies and bulk fertilizer and have fuel stops at their Luggate and Wanaka depots.
- 1.2 The Luggate Depot is located at 114 Main Road, Luggate and includes the historic Luggate Flour Mill (heritage item 544 on the ODP and PDP maps), an office and workshop building, an open sided fertilizer shed and various other sheds and structures. The depot includes open metalled maneuvering areas that are used to park UCT's fleet of trucks when not in use.

- 1.3 UCT are currently operating under existing use rights with the main office and workshop building having been consented under RM150374.
- 1.4 The Luggate Depot is zoned Township Zone under Operative District Plan and is zoned Settlements Zone under Stage 3 of the Proposed District Plan.
- 1.5 UCT has strong ties to Luggate having provided employment opportunities and supported the farming and building industries and the local economy generally for over 100 years. The growth of Luggate, which UCT have contributed to, has seen the location of residential activities surrounding the Luggate Depot on three sides. The reverse sensitivity issues created by the location of residential development in close proximity to the depot are threatening the long term viability of the established UCT activities and no provision has been made in Stage 3 of the Proposed District Plan for the acknowledgement or continuation of those established activities.
- 1.6 UCT have therefore been exploring options to relocate their existing Luggate operations to a more suitable location, ideally outside of the Township / Settlements Zone while still retaining its historic ties to Luggate and continuing to provide the employment opportunities that have supported the growth of the township and its economy and that of the wider District.
- 1.7 To that end UCT are under contract to purchase Lot 1 DP 300025 and Lot 1 DP 475297 (held together on Record of Title 654501) on Church Road, Luggate and are in the process of preparing a resource consent application that would relocate operations to the new site. For the purposes of this submission Lot 1 DP 300025 and Lot 1 DP 475297 are referred to as “the site”.
- 1.8 The site comprises 13.89 hectares of land on the eastern side of Church Road. Please refer to the location plan attached as **Appendix A** to this submission. The site is irregular in shape with the northern half of the site running parallel with Church Road and the southern half of the site extending to the south east and comprising the land between Luggate Creek to the south and the Clutha River to the north. The site wraps around a bend in the Clutha River, just upstream of the Nook, such that the river and its margins form the eastern boundary of the site.

- 1.9 A closed landfill site occupies the northern portion of the site which is largely flat and open, being vegetated in grass. The central portion of the site is vegetated in mature pine trees and includes an undulating landform. The south eastern portion of the site includes a terrace overlooking the Clutha River with a terrace ridge to the south. The land to the south of the terrace ridge falls to Luggate Creek.
- 1.10 The Luggate Sawmill and the Alpine Group's venison and deer velvet processing factory lies immediately to the south west of the site and is covered by the Rural Industrial Sub-Zone overlay applied as part of Stage 1 of the Proposed District Plan.
- 1.11 The land to the north east of the site includes a number of industrial activities such as truss and framing fabricators and electrical contractors.
- 1.12 The site forms part of a Rural Character Landscape (as identified in Stage 1 of the Proposed District Plan) that extends to the north, south and west. The land to the east of the site is classified as an Outstanding Natural Landscape that encompasses the Clutha River and its margins.
- 1.13 A public walking and cycling track runs along the eastern edge of the site while the land to the west, which is contained in a triangle formed by Church Road, State Highway 6 and State Highway 8A comprises seven properties which include a mix of residential and farming activities.
- 1.14 Under Stage 3 of the Proposed District Plan the site is partially covered by two overlapping wāhu tūpuna areas. Area 5 - Te Rua Tūpāpaku includes urupā (burial places), nohoaka (settlements), mahika kai (food gathering) and a pā site. Area 32 - Mata-Au includes ara tawhito (trails or routes), mahika kai and nohoaka. The recognised threats to Areas 5 and 32 include:
- Earthworks;
 - New roads or additions/alterations to existing roads, vehicle tracks and driveways;
 - Subdivision and development;
 - Buildings and structures;
 - Energy and utilities;

- Damming;
- Activities affecting water quality;
- Activities affecting the ridgeline and upper slopes; and
- Commercial and commercial recreational activities.

2.0 Upper Clutha Transport Ltd's submission relates to the following provisions of the Queenstown Lakes District Council's Proposed District Plan:

- Stage 3 Mapping and the extents of the General Industrial Zone;
- The objectives, policies and rules of Proposed Chapter 18A - General Industrial Zone;
- Stage 3 Wāhi Tūpuna mapping;
- The objectives, policies and rules of Proposed Chapter 39 - Wāhi Tūpuna;
- The proposed variations to Chapter 25 - Earthworks associated with the identification of wāhi tūpuna.

3.0 Without derogating from the generality of the above, Upper Clutha Transport Ltd's submission is that:

UCT oppose the extents of the mapping of the General Industrial Zone as notified and seek that the submission site is zoned General Industrial Zone to provide for the relocation and continuation of their existing activities.

3.1 Stage 3 of the Proposed District Plan fails to acknowledge and provide for the long established industrial and service activities being undertaken at UCT's Luggate Depot. UCT's operations have been an integral part of Luggate for over a century and have contributed to its growth and that of the wider District. The rezoning of the Luggate Depot site, as Settlements Zone along with the rest of the Luggate township will continue to unreasonably restrict any change or expansion to the existing UCT operations and perpetuate the reverse sensitivity effects that threaten to compromise the viability of the established activities.

3.2 A separate submission has been lodged relating to the Luggate Depot site which seeks its rezoning as Business Mixed Use Zone or Settlement Zone with a commercial precinct overlay

to help facilitate the redevelopment of the site should this submission be accepted and the existing UCT activities be successfully relocated outside of the township.

- 3.3 The Church Road site is ideally suited to the relocation of the UCT activities in that it is located outside of the existing township yet close enough to maintain its historic links to the township and continue to provide local employment opportunities. The site is large enough to accommodate the existing UCT activities and to provide for their long term expansion if necessary.
- 3.4 In addition the site includes a closed landfill and therefore is of limited productive potential and may be unsuitable for residential development.
- 3.5 The site immediately adjoins existing industrial activities in the form of the sawmill and factory to the south west and the established industrial activities to the north east.
- 3.6 The central part of the site, which is clear of the landfill area and could accommodate future buildings, is vegetated in mature pines some of which could be retained to help mitigate potential landscape effects associated with future buildings and industrial uses.
- 3.7 UCT therefore seek that the site is zoned General Industrial in accordance with the proposed zoning plan attached as **Appendix C** to this submission.

UCT submit that provision should be made for workers accommodation activities associated with industrial and/or service activities.

- 3.8 Being a transport company UCT employs approximately 30 drivers who transport goods, materials and livestock around the South Island on a daily basis. Health and Safety requirements limit the hours that can be driven without a break and UCT seek the ability to provide accommodation and rest facilities onsite by way of apartments and/or bunk rooms. UCT therefore submit that provision should be made for workers accommodation ancillary to any industrial or service activity. Those provisions could be specific to the submission site or apply to the wider General Industrial Zone.

UCT submit that the exclusion of trade supplier activities from the General Industrial Zone through a prohibited activity status is inappropriate and unreasonably restrictive.

- 3.9 Part of UCT's core business is the provision of building and landscaping supplies (e.g. sand, aggregates and mulch) and farming and agricultural supplies (e.g. fertilizer and lime) and by definition would comprise elements of a trade supplier which under the General Industrial zone as notified is a prohibited activity.
- 3.10 UCT submit that trade supply operations are not adequately provided for in the Proposed District Plan. While trade suppliers are provided for in the Business Mixed Use Zone (BMUZ) UCT submit that the BMUZ is not an appropriate zone for all trade suppliers. Trade suppliers that provide bulk materials require larger areas of land to successfully operate than are generally available in the BMUZ with materials being stored outdoors. The BMUZ seeks to achieve a high quality built form and urban design outcomes that conflict with the practicality and economics of bulk material storage such that trade suppliers such as UCT may struggle to achieve the outcomes sought in the BMUZ. In addition UCT submit that the existing situation at their Luggate Depot clearly illustrates that reverse sensitivity issues arising from residential activities (which, along with visitor accommodation activities, are permitted activities in the BMUZ) locating close to trade supply activities can compromise the ongoing operation of trade suppliers.
- 3.11 UCT therefore submit that the General Industrial Zone is the most appropriate zone to accommodate trade suppliers that involve bulk storage and sale of materials and provision should be made for such activities within the zone. The prohibited activity status for trade suppliers in the General Industrial Zone is unreasonably restrictive and may require that certain elements of businesses need to be located in different zones resulting in an inefficient use of resources and impractical operations.

UCT **support** the majority of the site not being identified as wāhi tūpuna.

UCT **oppose** the mapping of wāhi tūpuna areas and scheduling of values and recognised threats that is not supported by robust and transparent assessment that takes into account the specific circumstances and characteristics of the properties affected.

- 3.12 While UCT accept that there may be values of significance to Māori on or in the vicinity of the submission site the mapping of wāhi tūpuna areas appears to have been undertaken at a high level with the extents of identified wāhi tūpuna areas appearing arbitrary. In addition the overlapping wāhi tūpuna areas that apply to the submission site are confusing and appear unnecessary. In the absence of detailed analysis and a clear methodology of how the extents of the wāhi tūpuna areas have been defined UCT cannot have confidence that future activities on the submission site are not being unreasonably or unnecessarily restricted by the identified wāhi tūpuna areas.
- 3.13 It is understood that Ngāi Tahu have provided Council with maps identifying the wāhi tūpuna areas and those maps have been incorporated into the Stage 3 mapping. No explanation, evidence or methodology has been made available to the public or the affected landowners to support the extents of the identified wāhi tūpuna areas.
- 3.14 UCT submit that if wāhi tūpuna areas are to be identified on the planning maps then the extents of those areas must be supported by robust methodology, analysis and reasoning with the values present and recognised threats to those values being scheduled to a level of detail that provides suitable direction to landowners in terms of what is of significance and requires protection and how best to manage their property in order to avoid compromising those values.
- 3.15 In addition the majority of the land within the submission site that falls within Wāhi Tūpuna Area 5 comprises the closed landfill site which has been significantly modified and requires ongoing management. It is unclear whether the extents of the identified wāhi tūpuna areas takes into account the specifics of the submission site and whether the identified values are still likely to be present given the site's previous use.

UCT oppose proposed Rules 25.4.5.1 and 25.5.2.

- 3.16 Proposed Rule 25.4.5.1 states that any earthworks that modify, damage or destroy a wāhi tapu, wāhi tūpuna or other site of significance to Māori requires a restricted discretionary activity resource consent. Given that any earthworks within a wāhi tūpuna area would modify that area Rule 25.4.5.1 appears to conflict with Rule 25.5.2 which sets the threshold for permitted earthworks in a wāhi tūpuna area at 10m³.

3.17 In addition the 10m³ threshold on permitted earthworks within a wāhi tūpuna area is impractical and appears unnecessarily restrictive.

Conclusion

3.18 UCT submit that, as notified, Stage 3 does not adequately provide for the continuation of its established activities in or in the vicinity of Luggate and that the General Industrial Zone does not adequately provide for ancillary workers accommodation or trade supplier activities.

3.19 In addition UCT submits that the mapping of wāhi tūpuna areas and their associated provisions, in the absence of a clear methodology and detailed identification and scheduling of values and threats, adds significant uncertainty and may result in unreasonable cost and delay for affected landowners.

3.20 Overall UCT submit that Stage 3 of the Proposed District Plan:

- does not promote or give effect to Part 2 of the Act,
- does not meet section 32 of the Act,
- is contrary to the purposes and provisions of the Act and other relevant planning documents;
- is inappropriate and inconsistent with the purpose and principles of the Act;
- conflicts with and does not give effect to the higher order provisions of the Proposed District Plan; and
- is not the most appropriate method for achieving the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits.

4.0 The submitter seeks the following decision from the Queenstown Lakes District Council:

4.1 That the site is zoned General Industrial in accordance with the proposed zoning plan attached as **Appendix B** to this submission.

4.2 That Policy 18A.2.2.1 is amended as follows:

Avoid the following activities that are not compatible with the primary function of the Zone and have the ability to displace or constrain the establishment, operation and long term viability of Industrial and Service activities;

- a) Office, Retail and Commercial activities that are not ancillary to Industrial or Service activities
- b) ~~Trade Suppliers~~
- c) Large Format Retail
- d) Residential Activity, Residential Units and Residential Flats except for workers accommodation ancillary to Industrial or Service activities, and
- e) Visitor accommodation, Residential Visitor Accommodation and Homestay activities.

4.3 That Policy 18A.2.2.3 is amended as follows:

Limit the scale, location and function of Office, Retail, ~~and~~ Commercial and Workers Accommodation activities to ensure they are ancillary to Industrial or Service activities.

4.4 That Policy 18A.2.2.4 is amended as follows:

Ensure all Office, Retail, ~~and~~ Commercial and Workers Accommodation activities are constructed and operated to mitigate adverse reverse sensitivity effects to Industrial and Service activities.

4.5 That Policy 18A.2.3.2 is amended as follows:

Control the location of ancillary Office, Retail, ~~and~~ Commercial and Workers Accommodation activities and encourage them to actively engage with the street frontage and public places.

4.6 That Rule 18A.4.2 is amended as follows:

	<i>Table 18A.4 - Activities in the General Industrial Zone</i>	<i>Activity Status</i>
<i>18A.4.2</i>	<i>Office, Retail, and Commercial <u>and Workers Accommodation</u> activities that are ancillary to Industrial or Service activities</i>	<i>P</i>

4.7 The addition of a rule under Rule 18A.4.6 as follows:

	<i>Table 18A.4 - Activities in the General Industrial Zone</i>	<i>Activity Status</i>
<u>18A.4.X</u>	<u>Trade Suppliers</u>	<u>D</u>

4.8 That Rule 18A.4.12 is amended as follows:

	<i>Table 18A.4 - Activities in the General Industrial Zone</i>	<i>Activity Status</i>
18A.4.12	Trade Suppliers and Large Format Retail	PR

4.9 That Rule 18A.4.15 is amended as follows:

	<i>Table 18A.4 - Activities in the General Industrial Zone</i>	<i>Activity Status</i>
18A.4.15	Residential Activity, Residential Units and Residential Flats <u>not otherwise identified</u>	PR

4.10 That Rule 18A.5.1 is amended as follows:

	<i>Table 18A.4 - Activities in the General Industrial Zone</i>	<i>Activity Status</i>
18A.5.1	Ancillary Office, Retail, and Commercial <u>and Workers Accommodation activities</u>	P

4.11 That Chapter 39 and its associated mapping and variations are declined until such time as the mapping of wāhi tūpuna areas and the scheduling of their values and recognised threats is carried out in a fair and consistent manner and to a level of detail that takes into account the

specifics of individual properties and provides meaningful direction to landowners and Council as to the extents of the wāhi tūpuna areas and the associated values and threats.

4.12 That the mapping and scheduling of values and recognised threats is supported by a clear methodology and an appropriate level of detail.

4.13 That proposed Rules 25.4.5.1 and 25.2 are deleted.

4.14 The submitter also seeks such further or consequential or alternative amendments necessary to give effect to this submission, and to:

- Promote the sustainable management of resources and achieve the purpose of the Resource Management Act 1991;
- Meet the reasonably foreseeable needs of future generations;
- Enable social, economic and cultural wellbeing;
- Avoid, remedy or mitigate the adverse effects of the activities enabled by the Variation; and
- Represent the most appropriate means of exercising the Council’s functions, having regard to the efficiency and effectiveness of other means available in terms of section 32 and other provisions of the Act.

5.0 The submitter could not gain an advantage in trade competition through this submission.

6.0 The submitter wishes to be heard in support of their submission.

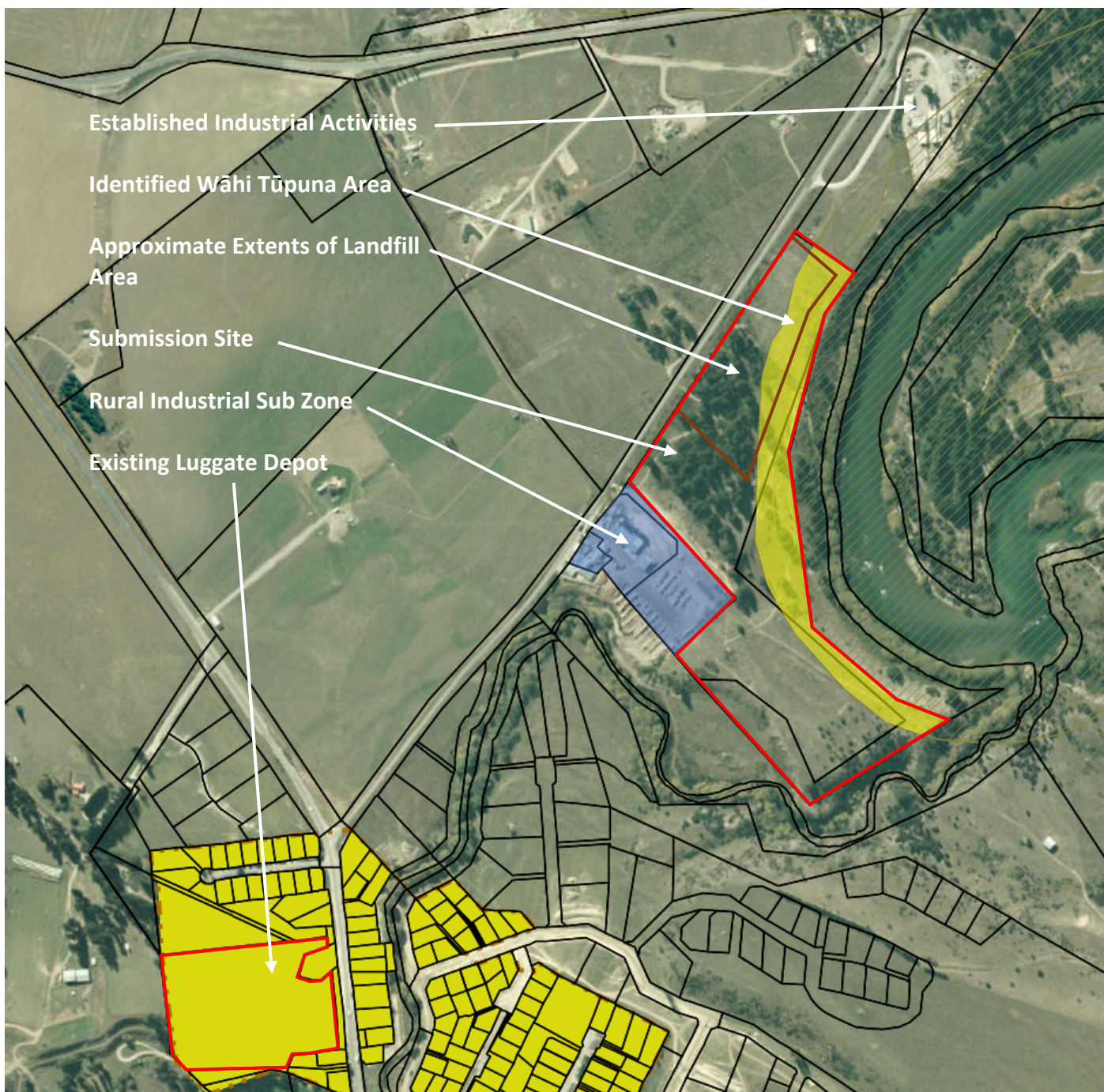
7.0 If others make a similar submission the submitter would consider presenting a joint case at a hearing.

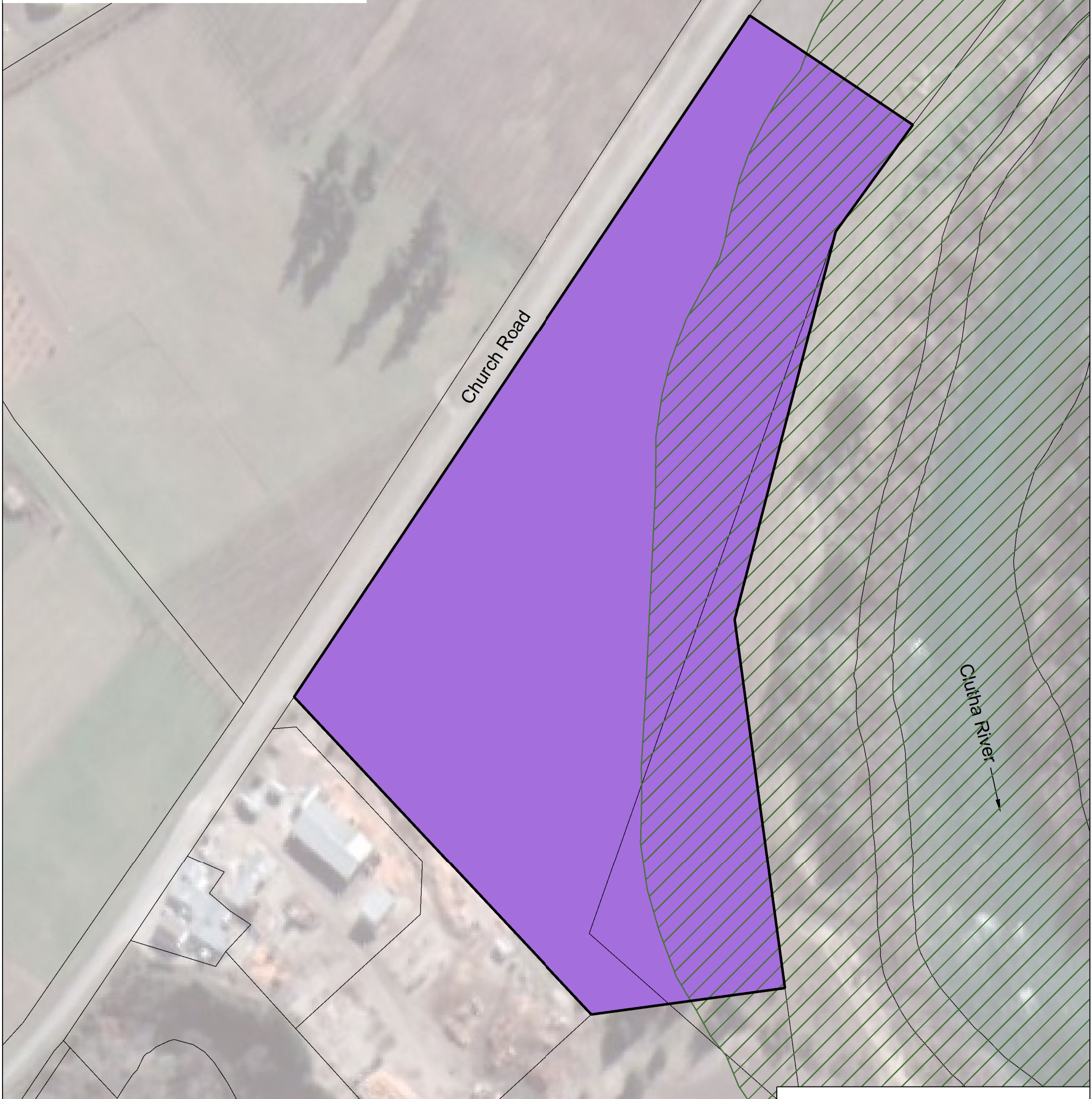


.....





Scott Edgar (on behalf of Upper Clutha Transport Limited)

18 November 2019





Legend

-  Parcel Boundaries
-  General Industrial Zone Boundaries (proposed)
-  General Industrial Zone (proposed)
-  Wahi Tupuna

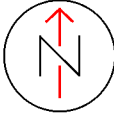
**Proposed
 General Industrial Zone
 (Church Road - Luggate)**

Client: UCT	
Scale: 1 : 2000 @ A3	
Surveyed:	Drawn: ST 16/11/19

COPYRIGHT©
 This drawing and parts thereof are copyright to Measured Land Surveys Limited and shall not be reused, copied or reproduced without the written permission of Measured Land Surveys Limited.



Lindis Peak 2000

 Sheet: 1 of 1	Rev	Description	Date
	A	ORIGINAL	06/11/19
Job #: 19073_M2	Rev: A		