

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application for orders under section 279(4) of the Resource Management Act 1991

BETWEEN **QUEENSTOWN LAKES DISTRICT COUNCIL**

Applicant

AND **UPPER CLUTHA ENVIRONMENTAL SOCIETY INCORPORATED**
ENV-2018-CHC-056

UNIVERSAL DEVELOPMENTS LIMITED
ENV-2018-CHC-101

MT CHRISTINA LIMITED
ENV-2018-CHC-103

HALFWAY BAY LANDS LIMITED
ENV-2018-CHC-119

SLOPEHILL PROPERTIES LIMITED
ENV-2018-CHC-129

CONEBURN PRESERVE HOLDINGS LIMITED & ORS
ENV-2018-CHC-137

Respondents (Appellants)
(Continued...)

**AFFIDAVIT OF IAN WILLIAM BAYLISS IN SUPPORT OF NOTICE OF MOTION SEEKING
ORDERS STRIKING OUT PARTS OF CERTAIN NOTICES OF APPEAL AND SECTION 274
NOTICES**

3 AUGUST 2018

Queenstown Lakes District Council
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Queenstown 9300
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AND

CONEBURN PRESERVE HOLDINGS LIMITED & ORS

(Section 274 party to ENV-2018-CHC-093, ENV-2018-CHC-126 & ENV-2018-CHC-127)

GLENDHU BAY STATION

(Section 274 party to ENV-2018-CHC-056, ENV-2018-CHC-126 & ENV-2018-CHC-127)

MT CHRISTINA LIMITED

(Section 274 party to ENV-2018-CHC-056)

Respondents (Section 274 parties)

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I, **Ian William Bayliss** of Queenstown, swear:

1. My full name is Ian William Bayliss. I am the Planning Policy Manager at the Queenstown Lakes District Council (**Council**) and am authorised to make this affidavit on behalf of the Council.
2. I make this affidavit in support of the Council's Notice of Motion to strike out parts of certain Notices of Appeal and Section 274 Notices lodged in relation to the Council's decisions on Stage 1 of the Proposed District Plan (**PDP**), which relate to Topic 1: A resilient Economy (**Topic 1**) and Topic 2: Rural Landscape (**Topic 2**).
3. I hold the degrees of Master of Planning Practice and Bachelor of Arts from the University of Auckland. I have 16 years' experience in the field of town planning, infrastructure planning and resource management. I am a full member of the New Zealand Planning Institute.
4. I have been in my current role since January 2017. Before this I was employed as a principal planner for the Auckland Council for approximately six years. Prior to that I was employed as a senior planner at Rodney District Council for approximately five years.
5. I am responsible for the management of the Council's partial District Plan Review, including the Council's involvement in the appeals filed with the Environment Court against the Council's decisions on Stage 1 of the PDP.
6. I am familiar with the content of the Notices of Appeal and Section 274 Notices that are the subject of the Council's Application (as recorded in Appendices 1, 2 and 3 to the Notice of Motion).

Scope of affidavit

7. In this affidavit I:
 - 7.1 outline my understanding as to why the relief sought by Upper Clutha Environmental Society Incorporated (**UCESI**), as recorded in Appendix 2 to the Notice of Motion, is unrelated to any provision or matter associated with Stage 1 of the PDP;
 - 7.2 describe the content of the primary and further submissions made by the Appellants listed in Appendix 1 to the Notice of Motion;

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- 7.3 provide reasons as to why I do not consider that the relief sought by the Appellants relates to the provisions or matters that they submitted on in Stage 1 of the PDP;
- 7.4 describe the content of the primary and further submissions made by the Section 274 Parties listed in Appendix 3 to the Notice of Motion; and
- 7.5 provide reasons as to why I do not consider that the submissions made by the Section 274 Parties listed in Appendix 3 to the Notice of Motion address the subject matter of the relevant parts of the appeals that the Section 274 Parties now seek to join.

Background

8. I understand that the Council's Notice of Motion seeks to strike out parts of certain Notices of Appeal and Section 274 Notices grouped with Topic 1 and Topic 2 of the appeals on Stage 1 of the PDP.
9. In this part of my affidavit I provide background information relating to the Council hearing phase and subsequent appeal phase on Stage 1 of the PDP.
10. The PDP as notified in Stage 1 contained 32 chapters. Those 32 chapters address the following:
 - 10.1 introductory matters (Chapter 1) and the definitions used throughout the PDP (Chapter 2);
 - 10.2 higher order provisions setting out the strategic direction for the District (Chapters 3, 4, 5 and 6);
 - 10.3 a number of zone chapters (Chapters 7-17, 21-23 and 41-44);
 - 10.4 provisions on a number of topics located in separate "district wide chapters," that are intended to apply to all areas of the District currently included in the PDP (Chapters 26 - 28, 30 and 32 - 36);
 - 10.5 designations that apply across all areas of the District – these are not limited to the area of land currently included in the PDP (Chapter 37); and
 - 10.6 plan maps for the land currently included in the PDP through Stage 1, which show the zoning for land and various plan map annotations that apply to that land.

11. The geographic area covered by Stage 1 is generally limited to the area of PDP zones notified on the plan maps for Stage 1, which covers approximately 90 percent of the District.
12. Submissions on Stage 1 closed on 18 December 2015. In total, 1,206 submissions (raising 18,734 submission points) were lodged with the Council.
13. 13 hearings were held on the submissions received on Stage 1. The general structure of the hearings was as follows
 - 13.1 Streams 01A and 01 B - Strategic matters;
 - 13.2 Streams 02 Chapters - Rural zones and biodiversity matters;
 - 13.3 Streams 03 – 05 - District wide matters;
 - 13.4 Stream 06 and 06A – Residential Zones;
 - 13.5 Stream 07 – Designations;
 - 13.6 Stream 08 – Business Zones;
 - 13.7 Stream 09 – Resort Zones;
 - 13.8 Stream 10 – Definitions, Natural Hazards and Whole of Plan; and
 - 13.9 Stream 11 – 13 – plan maps / rezoning requests (Ski Area Sub Zones, Upper Clutha, and Queenstown respectively).
14. On 23 November 2017, the Council notified Stage 2 of the PDP. Whole chapters and associated provisions relating to six topics form Stage 2. Some are 'new' Stage 2 provisions/chapters, while other parts required a variation to Stage 1 of the PDP and to the plan maps.
15. A number of Stage 1 submissions on provisions were deemed to be submissions against the variation (through clause 16B(1) of Schedule 1 of the RMA). Those varied provisions do not form part of the Stage 1 decision, nor have decisions been made on those Stage 1 submission points that were deemed to be on the variation.
16. In addition, a number of Stage 1 submissions that sought changes to the zone shown on the plan maps, were deemed to be submissions against the variation. Again, no decision

has been made at this time on those submissions and they are being considered as part of the hearings on Stage 2 of the PDP.

17. Further, it is relevant that in Stage 1, a number of submissions were allocated to 'Stream 14, Wakatipu Basin'. One of the Stage 2 variation topics was the 'Wakatipu Basin', which included a new zone chapter, and associated zone-specific provisions such as in the subdivision chapter, and a variation to the plan maps. The Wakatipu Basin variation to the plan maps did not cover all of the land that had previously been allocated to the 'Wakatipu Basin hearing 14', back at the start of the Council hearings on Stage 1. Therefore decisions on the submissions on the plan maps for this land (generally located near Arrowtown and Lake Hayes / Ladies Mile), will be made in Stage 2, alongside the Wakatipu Basin variation.
18. The Council appointed a Panel of Commissioners (**Panel**) to hear submissions and make recommendations on Stage 1 of the PDP. The hearings were held between March 2016 and September 2017 and the Council's decisions on the Panel's recommendations were publicly notified on 7 May 2018.
19. I understand that 99 appeals and two other proceedings have been filed with the Environment Court in relation to the Council's decisions on Stage 1 of the PDP. This affidavit addresses six of those appeals, parts of which I believe lack the necessary jurisdiction.

The appeals and submissions made by the Appellants

Upper Clutha Environmental Society Incorporated (USECI)

20. UCESI has filed a Notice of Appeal on Stage 1 of the PDP, a copy of the relevant part of the Notice of Appeal is attached to this affidavit as **Annexure A**.
21. Paragraph 15 of the Notice of Appeal states:

15. The decision errs in proposing that the PDP Stage 2-Wakatipu variation (where directive provisions relating to the control of the cumulative effects of subdivision and/or development in RCL landscape in the Wakatipu Basin are proposed) should proceed while no similar variation has been proposed by Council for the Upper Clutha Basin RCL landscape. The decision errs in failing to recognise that the RCL landscape in the Upper Clutha Basin requires similar protection from the cumulative effects of subdivision and development. The decision errs in deciding that applying the PDP Stage 2 variation provisions only to the Wakatipu Basin represents sustainable management.
22. The relief sought by paragraph 12 of the Notice of Appeal seeks:



12. That an Upper Clutha Basin Land Use Planning Study is commissioned by Council as recommended by the PDP Hearing Panel¹⁶. Following completion of this UCBLUPS, that Council initiate a variation to incorporate any/all recommendations from this study into the PDP in the same way that provisions relating to the control of the cumulative effects of rural subdivision and/or development within RCL landscape contained in the PDP Stage 2-Wakatipu variation (publicly notified in November 2017) are proposed to be incorporated into the PDP.

[footnotes excluded]

23. The relief sought by UCESI would require a study to be commissioned and completed by the Council that would constitute a piece of work outside the PDP. I understand that the Council would be required to pass a resolution to approve the commissioning of such a study, and that the resolution would be a decision that sits outside the Council's powers under clause 10 of Schedule 1 of the RMA. Accordingly, it is my view that this relief sought by UCESI does not relate to the Council's decisions on Stage 1 of the PDP.
24. I have not attached the submission made by UCESI to this affidavit, as the content of that submission is not at issue in light of the matters discussed above.

Universal Developments Limited

25. Universal Developments Limited made an original submission (attached as **Annexure B**) and a further submission (attached as **Annexure C**) on Stage 1 of the PDP. I have reviewed both documents.
26. Universal Developments Limited's original submission was focused on the existence of the Outstanding Natural Landscape line annotation over residential zones, the provisions of Chapter 8 Medium Density Zone and Chapter 27 Subdivision.
27. Universal Developments Limited's further submission was focused on retaining the notified Medium Density Residential zoning of the land between State Highway 6 and the Quail Rise Zone, the provisions of Chapter 8 Medium Density Zone, the status of subdivision in Outstanding Natural Landscapes and Features and the activity status of subdivision in the Medium Density Residential Zone.
28. Universal Developments Limited's notice of appeal (the relevant part of which is attached as **Annexure D**) seeks relief that would amend Strategic Objective 3.2.1.3 and Strategic Policy 3.3.6, to recognise and provide for mixed business use and residential development in Frankton at a strategic level in the PDP. That relief does not reflect the provisions or matters set out in the submissions made by Universal Developments Limited on Stage 1 of the PDP.

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Mt Christina Limited

29. Mt Christina Limited made an original submission (attached as **Annexure E**) and a further submission (attached as **Annexure F**) on Stage 1 of the PDP. I have reviewed both documents.
30. Mt Christina Limited's original submission focuses on the zoning of the site legally described as Lot 1 – 2 DP 395145 and Section 2 SO Plan 404113 and contained within Computer Freehold Register 455423, and the objectives, policies and rules of Chapter 22 Rural Residential and Rural Lifestyle Zone and Chapter 27 Subdivision.
31. The original submission states the following at paragraph 9:

This submission does not seek to address any of the higher order provisions of the PDP or any of the district wide chapters, including Chapter 3 Strategic Directions, Chapter 6 Landscapes or Chapter 27 Subdivision. Submissions on these chapters are being advanced through the separate submission lodged by Darby Planning LP, an entity related to the MCL.

32. I have identified that Mt Christina Limited's further submission is focused on the provisions contained in Chapter 22 Rural Residential and Rural Lifestyle, Chapter 27 Subdivision, and two rezonings proposed by other submitters.
33. Mt Christina Limited's notice of appeal (the relevant part of which is attached as **Annexure G**) seeks relief that would amend and make additions to Chapter 3 Strategic Direction and Chapter 6 Landscapes and Rural Character as they relate to the Rural Zone, rural living zones, special character zones and the Wakatipu Basin. That relief does not reflect the provisions or matters set out in the submissions made by Mt Christina Limited on Stage 1 of the PDP.

Halfway Bay Lands Limited

34. Halfway Bay Lands Limited made an original submission (attached as **Annexure H**) on the PDP. I have reviewed the original submission.
35. From my review I have identified that Halfway Bay Lands Limited's original submission focused on the zoning of a site situated at Halfway Bay, Queenstown and requested that it be rezoned to a Rural Visitor Zone.
36. Halfway Bay Lands Limited's notice of appeal (the relevant part of which is attached as **Annexure I**) seeks relief that would amend Chapter 3 Strategic Direction and Chapter 6

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Landscapes and Rural Character to provide for the significant benefits of tourism and associated industry. That relief does not reflect the provisions or matters set out in the original submission by Halfway Bay Lands Limited on Stage 1 of the PDP.

Slopehill Properties Limited

37. Slopehill Properties Limited made an original submission (attached as **Annexure J**) on the PDP. I have reviewed the original submission.
38. From my review I have identified that Slopehill Properties Limited's original submission:
 - 38.1 requested that all land accessed from Slopehill Road and not contained in an Outstanding Natural Feature be rezoned to a rural lifestyle zone; and
 - 38.2 proposed a new strategic objective or policy to enable residential units to be constructed outside, and in addition to, approved residential building platforms where the primary use is to accommodate family.
39. Slopehill Properties Limited's notice of appeal (the relevant part of which is attached as **Annexure K**) seeks:
 - 39.1 amendments to strategic objective 3.2.5.2 and strategic policy 3.3.32 to provide for a generally more permissive regime for subdivision and development in the Rural Zone; and
 - 39.2 to introduce a range of new strategic objectives and policies to ensure that rural living opportunities are provided for in the Rural Zone outside Outstanding Natural Landscapes and Features.
40. Aside from Slopehill Properties Limited's request in its original submission that residential units be enabled to provide for family accommodation, no other part of the original submission by Slopehill Properties Limited addresses the matters recorded at paragraph 39 above.

Coneburn Preserve Holdings Limited & Ors (Jack's Point)

41. Coneburn Preserve Holdings Limited & Ors made two original submissions on Stage 1 of the PDP (attached as **Annexures L** and **M**, respectively) and a further submission on Stage 1 of the PDP (attached as **Annexure N**). I have reviewed all documents.

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42. The original submissions lodged by Jacks Point focus on the provisions in Chapter 41 Jacks Point Zone, Chapter 27 Subdivision, and Chapter 36 Noise. In particular, the original submission dated 23 October 2015 states at paragraph 9 that:

This submission does not seek to address any of the higher order provisions of the PDP or any of the district wide chapters, including Chapter 3 Strategic Directions, Chapter 6 Landscapes or Chapter 27 Subdivision. Submissions on these chapters are being advanced through the separate submission lodged by Darby Planning LP, an entity related to the MCL.

43. Jacks Point's further submission likewise focuses on the provisions in Chapter 41 Jacks Point Zone and Chapter 27 Subdivision. Jacks Point's further submission does oppose an original submission by RCL Queenstown Pty Limited, RCL Henley Downs Limited, RCL Jacks Point (**RCL**)¹ (attached as **Annexure O**) on 3.2.5 Goal 5 and 6.3 Objectives and Policies (notified PDP numbering). However, that opposition is limited to the extent that RCL's submission may have inadvertently opposed the Jacks Point Zone as notified or was inconsistent with Jacks Point's original submissions.
44. Jacks Point's appeal (the relevant part of which is attached as **Annexure P**) seeks relief that would:
- 44.1 amend Chapter 3 Strategic Direction to introduce new strategic objectives and policies ,and amendments to existing policies to recognise the key functions of the Jacks Point Village; and
- 44.2 amend policy 6.3.3 that relates to rural lifestyle development.
45. That relief does not reflect the provisions or matters set out in the submissions by Jacks Point on Stage 1 of the PDP.

The submissions made by the Section 274 Parties

Coneburn Preserve Holdings Limited & Ors (Jacks Point)

46. I described the content of Jacks Point's submissions at paragraphs 41 to 43 above in this affidavit.
47. Jacks Point has filed three section 274 notices that are subject to the Council's Application, as recorded in Appendix 3 to the Notice of Motion. These section 274 notices were lodged in relation to the following appeals:

¹ Submission 632.

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- 47.1 Queenstown Airport Corporation Limited (ENV-2018-CHC-093) (the relevant section 274 notice is appended at **Annexure Q**);
- 47.2 Remarkables Park Limited (ENV-2018-CHC-126) (the relevant section 274 notice is appended at **Annexure R**); and
- 47.3 Queenstown Park Limited (ENV-2018-CHC-127) (the relevant section 274 notice is appended at **Annexure S**).
48. The section 274 notices lodged by Jacks Point state that they have been filed on the basis that Jacks Point is a person who made a submission on the subject matter of the proceedings.
49. Jacks Point's section 274 notice on the Queenstown Airport Corporation appeal states that Jacks Point has an interest in the following part of the appeal:

Chapter 3: Strategic Direction

(a) The amendments and provisions sought in respect of regionally significant infrastructure.

...

Chapter 3: Strategic Direction

(a) Amend Policy 3.2.2.1 to include a subparagraph that seeks to restrict development to areas that avoid reverse sensitivity effects unless those effects can be adequately managed

...

Chapter 4: Urban Development

(a) The amendments and provisions sought in respect of regionally significant infrastructure;

...

Chapter 6: Landscapes and Rural Character

(a) Amend policies 6.3.12, 6.3.17, 6.3.18, 6.3.19, 6.3.24, 6.3.25, 6.3.26 to:

(i) (a) better recognise the hierarchy and terminology set out in Part 2 of the Act; and

(ii) (b) give effect to the Proposed Regional Policy Statement and more specifically, the land use management framework established for Regionally Significant Infrastructure.

...

Chapter 21: Rural Zone

(a) Amend assessment matter 21.21.1 to:

(i) better recognise the hierarchy and terminology set out in Part 2 of the Act; and

(ii) (b) give effect to the Proposed Regional Policy Statement and more specifically, the land use management framework established for Regionally Significant Infrastructure.

...

50. Jacks Point's section 274 notice on the Remarkables Park Limited appeal states that Jacks Point has an interest in the following part of the appeal:

Chapter 4 Urban Development

(a) Jacks Point supports amendments to provisions of Chapter 4 to expressly provide for exemptions to the restrictions on urban development outside of the urban growth boundary and/or acknowledgement of the appropriateness of urban components to development in rural areas in supported as a sustainable and appropriate outcome in some instances to satisfy the objectives of the Plan and Part 2 of the Act.

Chapter 6 Landscapes

(b) Jacks Point supports the relief seeking additional policies expressly recognising tourism and commercial development and the benefits of diversification are supported as being appropriate for the sustainable management of the District's rural land resource.

51. Jacks Point's section 274 notice on the Remarkables Park Limited appeal states that Jacks Point has an interest in the following part of the appeal:

6 Chapter 6 Landscapes

(a) Add a new policy "Tourism and associated activities may need to be located within Outstanding Natural Landscapes for functional reasons"...

52. The matters of interest referred to above do not reflect the subject matter of the submissions by Jacks Point on Stage 1 of the PDP.

Glendhu Bay Trustees Limited

53. Glendhu Bay Trustees Limited (**Glendhu Bay**) made an original submission on Stage 1 of the PDP (attached as **Annexure T**). Glendhu Bay's submission was focused on the zoning of the land known as Glendhu Station near Wanaka and consequential changes to the objectives, policies and rules of Chapter 27 Subdivision.

54. Glendhu Bay has filed three section 274 notices that are subject to the Council's Application, as recorded in Appendix 3 to the Notice of Motion. These section 274 notices were lodged in relation to the following appeals:

- 54.1 UCESI (ENV-2018-CHC-056) (the relevant section 274 notice is appended at **Annexure U**);
- 54.2 Remarkables Park Limited (ENV-2018-CHC-126) (the relevant section 274 notice is appended at **Annexure V**); and
- 54.3 Queenstown Park Limited (ENV-2018-CHC-127) (the relevant section 274 notice is appended at **Annexure W**).
55. The section 274 notices lodged by Glendhu Bay state that they have been filed on the basis that Glendhu Bay is a person who made a submission on the subject matter of the proceedings.
56. Glendhu Bay's section 274 notice on UCESI's appeal states that Glendhu Bay has an interest in the following parts of the appeal:

Chapter 21 Rural Zone / Chapter 27 Subdivision

(a) All objectives, policies, assessment matters and rules and other provisions that relate to subdivision and/or development from the Operative District Plan Rural General zone are rolled over and included in the Stage One Proposed District Plan

...

Chapter 21 Rural Zone

(b) Rules 21.4.9 and 9a and Rules 21.4.10 and 10a

...

Planning Maps

(c) The landscape lines shown on the Operative District Plan maps are rolledover in their current form into the Stage One Proposed District Plan.

...

57. Glendhu Bay's section 274 notice on Remarkables Park Limited's appeal states that Glendhu Bay has an interest in the following parts of the appeal:

Chapter 4 Urban Development

(a) GBT supports amendments to provisions of Chapter 4 to expressly provide for exemptions to the restrictions on urban development outside of the urban growth boundary and/or acknowledgement of the appropriateness of urban components to development in rural areas is supported as a sustainable and appropriate outcome in some instances to satisfy the objectives of the Plan and Part 2 of the Act.

Chapter 6 Landscapes

(b) GBT supports the relief seeking additional policies expressly recognising tourism and commercial development and the benefits of diversification are supported as being appropriate for the sustainable management of the District's rural land resource.

58. Glendhu Bay's section 274 notice on Queenstown Park Limited's appeal states that Glendhu Bay has an interest in the following parts of the appeal:

Chapter 6 Landscapes

(a) *The addition of new provisions that enable diversification of activities in the Rural Zone*

...

Chapter 6 Landscapes

(a) *Add a new policy "Tourism and associated activities may need to be located within Outstanding Natural Landscapes for functional reasons".*

...

Chapter 21 Rural Zone –

(a) *Amendments to policy 21.2.1.10*

...

Chapter 21 Rural Zone –

(a) *Amendments to policy 21.2.1.15*

...

Chapter 21 Rural Zone - Rules 21.4 Table 1

(a) *Add a new rule to Table 1 "Commercial activities linked to the natural and physical resources of the rural area"*

...

Chapter 21 Rural Zone - Rule 24.1 Table 1

(a) *Add a new rule to Table 1 "Restaurant/Café" and apply "controlled" activity status.*

...

Chapter 33 Indigenous Vegetation and Biodiversity - New Policies

(a) *Addition of new policies;*

...

Chapter 33 Indigenous Vegetation and Biodiversity - Policy 33.2.2.2

(a) *Amend to read "Allow the clearance of indigenous vegetation within Significant Natural Areas where that clearance is undertaken in a manner that retains the indigenous biodiversity values".*

...

Chapter 33 Indigenous Vegetation and Biodiversity - Rules 33.5.1.1, 33.5.1.2, 33.5.2.1 and 33.5.2.2 – Indigenous vegetation clearance thresholds.

59. The matters of interest referred to above do not reflect the subject matter of the submissions by Glendhu Bay on Stage 1 of the PDP.

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60. I describe the content of Mt Christina Limited's submissions at paragraphs 29 to 32 above in this affidavit. Mt Christina Limited has lodged one section 274 notice that is subject to the Council's Application, as recorded in Appendix 3 to the Notice of Motion. This section 274 notice was on the appeal filed by UCESI (ENV-2018-CHC-056) (the relevant section 274 notice is appended at **Annexure X**).
61. Mt Christina Limited's section 274 notice states that Mt Christina Limited has an interest in the following part of UCESI's appeal:

Chapter 21 Rural Zone / Chapter 27 Subdivision

(a) All objectives, policies, assessment matters and rules and other provisions that relate to subdivision and/or development from the Operative District Plan Rural General zone are rolled over and included in the Stage One Proposed District Plan.

...

Chapter 21 Rural Zone

(b) Rules 21.4.9 and 9a and Rules 21.4.10 and 10a.

...

Planning Maps

(c) The landscape lines shown on the Operative District Plan maps are rolledover in their current form into the Stage One Proposed District Plan.

...

62. These matters of interest do not reflect the subject matter of the submissions by Mt Christina Limited on Stage 1 of the PDP.

SWORN at Queenstown

this 3rd day of ~~July~~ August
2018 before me:

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Ian William Bayliss

A Solicitor of the High Court of New Zealand



Kate M. Andrew
Solicitor
Queenstown

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UPPER CLUTHA ENVIRONMENTAL SOCIETY (INC.)

**Notice of Appeal to the Environment Court
Queenstown Lakes District Council-Proposed District Plan**

**To: The Registrar
Environment Court
Po Box 2069
Christchurch**

The Upper Clutha Environmental Society (the Society) appeals against parts of a decision of the following plan:

Queenstown Lakes District Council Proposed District Plan Stage 1 (PDP Stage 1).

The Society made submissions and further submissions on the PDP Stage 1.

The Society is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

The Society received notice of the PDP Stage 1 decision on: May 7th 2018

The decision was made by the Queenstown Lakes District Council (the Council).

The parts of the decision the Society is appealing:

The Society is appealing the parts of the PDP Stage 1 decision that relate in any way to subdivision and/or development in the Rural Zone.

The Society is also appealing the parts of the PDP Stage 1 decision where it makes decisions and/or recommendations on the PDP Stage 2 where this in any way relates to Rural Zone subdivision and/or development.

The specific provisions the Society is appealing:

The Society is appealing the parts of the PDP Stage 1 that contain objectives, policies, assessment matters, rules and maps and any other provisions that relate in any way to subdivision and/or development in the Rural Zone.

The Society is also appealing the parts of the PDP Stage 1 decision where it makes decisions and/or recommendations on the PDP Stage 2 where this in any way relates to Rural Zone subdivision and/or development.

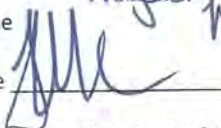
The reasons for the appeal are:

1. The decision errs in deciding that the PDP Stage 1 is efficient and effective in achieving the purposes of the Resource Management Act.

2. The decision errs in deciding that the PDP Stage 1 represents sustainable management as described in Section 5 of Part 2 of the Resource Management Act because:

- The PDP does not adequately recognise and provide for matters in Section 6 of the Resource Management Act and in particular s.6 (a) and (b). The PDP does not adequately

This is the annexure marked "A" referred to in the annexed affidavit of Ian William Bayliss which was sworn at Queenstown this 3rd day of July 2018

before me
Signature 

**Kate M. Andrew
Solicitor
Queenstown**

A solicitor of the High Court of New Zealand

protect for future generations the Outstanding Natural Landscape (ONL) and Outstanding Natural Feature (ONF) landscapes of the district from inappropriate subdivision and/or development.

- The PDP does not adequately have particular regard to matters in s.7 of the Resource Management Act and in particular s.7 (b) (c), (f), and (g). The PDP does not adequately protect for future generations the Rural Character Landscapes (RCL) from random, sporadic and incremental subdivision and/or development that is in the process of cumulatively degrading existing bucolic and pastoral values.
- The PDP will not result in the efficient use and development of natural and physical resources nor will it maintain or enhance the quality of the environment nor will it maintain or enhance amenity values.

3. The decision errs in failing to recognise that Operative District Plan (ODP) provisions rolled-over into PDP Stage 1 in the manner shown in Appendices A-D (or very similar) better achieve the purpose of the Act than the provisions in the PDP Stage 1 decision. The decision errs in failing to recognise that the rural provisions in the ODP have been held to be complete, that there is no inconsistency in these rural provisions with higher order planning documents nor is there any uncertainty in their meaning.

4. The decision errs in failing to give sufficient weight to the Council decisions, public submissions, appeals and Environment Court decisions that wrote the rural objectives, policies, assessment matters, rules and other rural provisions in the ODP. The decision errs in failing to fully recognise that these essentially addressed the same rural issues under the same Act as those addressed in the PDP Stage 1 decision.

In particular the following Environment Court decisions that modified or wrote the ODP are given insufficient weight:

C180/1999, C74/2000, C186/2000, C75/2001, C100/2001, C129/2001, C92/2001, C162/2001, C73/2002, C89/2005.

5. The decision errs in failing to give sufficient weight and recognition to expert economic evidence¹ presented at the PDP District Plan Review hearings highlighting the critical importance of protecting landscape values to the economy of the Queenstown Lakes District and New Zealand. The decision errs in failing to include sufficient specific provisions in the ODP that expressly spell-out the critical role landscape values play in contributing to the social, cultural and economic wellbeing of the Queenstown Lakes District and the wider NZ economy.

6. The decision errs in failing to give sufficient weight and recognition to expert evidence presented at to the PDP Hearing Panel in relation to residential growth projections and zoned dwelling capacity².

7. The decision errs in failing to give sufficient weight to the expert evidence of the Society's witness, landscape architect Diane Lucas, in regard to the ODP and PDP rural objectives, policies, assessment matters and rules and their relative effectiveness and efficiency in controlling adverse effects on landscape values³.

¹ Osborne economic evidence 6th April 2016

² Osborne dwelling capacity evidence Upper Clutha 1st May 2017 and Osborne dwelling capacity evidence Queenstown and Wakatipu 19th June 2017. Banks dwelling capacity evidence 19th June 2017. Clarke growth projections evidence 19th June 2017.

³ Ms. Lucas's evidence on rural Objectives, Policies, Assessment Matters and rules is not mentioned at all in Report 4A Chapter 21 Rural Zone.

8. The decision errs in failing to recommend that the PDP s.32 Evaluation Report Landscape⁴, Rural Zone and Gibbston Character Zone be partially rewritten in order to discuss the issue of whether subdivision and/or development within ONL and ONF's should be non-complying⁵.

9. The decision errs in deciding that subdivision within ONL and ONF's should be discretionary rather than non-complying⁶. The decision errs in deciding that the Society's submissions and further submissions do not give scope for subdivision within ONL and ONF's to be non-complying. The decision errs in deciding that a change from discretionary to non-complying status for subdivision within ONL and ONF's represents a "highly significant change"⁷.

10. The decision errs in deciding that the Landscape Lines delineating ONL, ONF's and Rural Character Landscape in the maps in the PDP Stage 1 decision are credible. The decision errs in failing to recognise that the process behind identifying these Landscape Lines is flawed. The decision errs in deciding that there is "an adequate evidential foundation for identifying ONL and ONF lines"⁸. The decision errs in deciding that, as delineated, these Landscape Lines will be efficient and effective in categorising landscapes and in implementing the objectives, policies, assessment matters and rules attached to such categorisations. The decision errs in giving limited weight to the expert landscape evidence of Diane Lucas in relation to the ONL/ONF/RCL Landscape Lines⁹.

11. The decision errs in failing to recognise that the Society's submissions and evidence provide scope for the Court to decide the position of the Landscape Lines in the Dublin Bay/Mount Brown and Waterfall Hill/Waterfall Creek areas¹⁰.

12. The decision errs in failing to give adequate weight to the Glentarn decision¹¹ and the potential adverse effects on landscape values as a result of this decision.

13. The decision errs in explicitly favouring farming for the development of rural based commercial recreation and tourism activities per Objective 21.2.9.3 and in other places in the PDP. The decision errs in failing to give exactly the same consideration to any applicant proposing rural based commercial recreation and tourism activities.

14. The decision errs in deciding that different policies Managing Rural Landscapes should apply to the RCL landscapes of the Wakatipu Basin and the Upper Clutha Basin per PDP policies 6.3.27 and 6.3.28¹² and in other places in the Plan.

15. The decision errs in proposing that the PDP Stage 2-Wakatipu variation (where directive provisions relating to the control of the cumulative effects of subdivision and/or development in RCL landscape in the Wakatipu Basin are proposed) should proceed while no similar variation has been proposed by Council for the Upper Clutha Basin RCL landscape. The decision errs in failing to recognise that the RCL landscape in the Upper Clutha Basin requires similar protection from the cumulative effects of subdivision and development. The decision errs in deciding that applying the PDP Stage 2 variation provisions only to the Wakatipu Basin represents sustainable management.

⁴ Undated but approximately August 2015

⁵ The s.32 report is deficient in that it does not address this issue at all.

⁶ Stage 1 Decision Report 7.4A-paragraphs 30-76

⁷ Stage 1 Decision Report 7.4A-paragraph 56

⁸ Stage 1 Decision Report 16.1 paragraphs 39 and 40

⁹ Stage 1 Decision Report 16 Upper Clutha Mapping paragraph 10.

¹⁰ Stage 1 Decision Report 16.1 paragraph 50

¹¹ C10/2009 Glentarn Group Ltd. V. Queenstown Lakes District Council

¹² Stage 1 Decision Report 3 paragraphs 1340-1347

16. The decision errs in deciding that the wording of part 1.7.5 Building Outline of the PDP is appropriate. The decision errs in failing to recognise that such wording significantly weakens the PDP provisions compared with those in the ODP.

17. The decision errs in deciding in PDP part 21.14.2 that it is appropriate for buildings as large as 500m² to have permitted activity status.

The Society seeks the following relief:

1. That many of the objectives, policies, assessment matters and rules and other provisions that relate to subdivision and/or development in the Rural General Zone in the ODP (Rural Zone in the PDP) particularly those that relate to cumulative effects and over-domestication of rural landscapes, are rolled-over and included in PDP Stage 1. For clarity, a possible though non-definitive amended PDP Chapters 1, 3, 6 and 21 consistent with and reflecting most (but not necessarily all) of the amendments sought in this appeal is attached as Appendices A-D.

2. That other amendments different or additional to those shown in Appendices A-D arising from the Society's expert landscape and resource management evidence to be prepared for mediation and PDP Court hearings are incorporated into the PDP.

3. That amendments to the PDP Stage 1's text and maps consistent with the issues listed below are incorporated into the PDP where they are additional to those detailed in Appendices A-D and paragraphs 1 and 2 above.

4. That the PDP includes more overt and explicit Rural Zone objectives, policies, assessment matters and rules that reflect the critical role that landscape values and their protection play in maintaining and developing the Queenstown Lakes District and national economy, consistent with the economic and landscape evidence presented to Council's PDP Review Hearing Panel.

5. That the PDP reflects in its provisions that there is sufficient land zoned in the Queenstown Lakes District for residential purposes to satisfy population growth until at least 2048 without the need to grant consent for any additional residential capacity in the Rural Zone.

6. That rural subdivision and/or development within ONL and ONF landscapes becomes a non-complying activity in the PDP¹³. That Council initiates a variation that changes the activity status of subdivision and/or development within ONL/ONF from discretionary to non-complying, as recommended by the PDP Hearing Panel¹⁴. That Council partially rewrites its PDP s.32 Evaluation Report Landscape, Rural Zone and Gibbston Character Zone to address the issue of whether subdivision and/or development within ONL/ONF should be discretionary or non-complying.

7. That the Landscape Lines shown on the ODP maps are rolled-over in their exact current form. That the Landscape Lines additional to those contained on the ODP maps, shown on the PDP Stage 1 maps, are included in the PDP as dotted lines (with the exception of the two locations at Dublin Bay/Mount Brown, Waterfall Hill/Waterfall Creek described below) with the following attendant text shown on all maps where these dotted lines appear:

Boundary between two different landscape categories. The solid lines represent landscape categories determined by the Court and are not subject to change. The dotted lines have been determined under a broad-brush analysis as part of the District Plan process but have not yet been through a detailed analysis of specific physical circumstances of each site in the Environment Court to determine their exact location and so are not definitive. The dotted

¹³ Appendix D Rules 21.4.9 and 9a and Rules 21.4.10 and 10a

¹⁴ Stage 1 Decision Report 7 Paragraph 76

lines are purely indicative until their exact location has been determined through the Environment Court process.

8. That in the two areas where the Society will give landscape evidence in the Court (Dublin Bay/Mount Brown, Waterfall Hill/Waterfall Creek) the Court holds where the Landscape Lines should be situated, and that these lines then appear as solid lines in the PDP.
9. That PDP Stage 1 is amended in order to address issues arising from the Glentarn decision¹⁵, per Policy 6.3.8 in Appendix D.
10. That Objective 21.2.9.3 is deleted from the PDP along with all other provisions that favour farming as opposed to any other applicant in the development of rural based commercial recreation and/or visitor accommodation.
11. That the PDP policies Managing Rural Landscapes should apply equally to RCL landscapes of both the Wakatipu Basin and the Upper Clutha Basin per the amendment made to PDP policies 6.3.27 and 6.3.28 in Appendix C (renumbered 6.3.32 and 6.3.33 in Appendix C).
12. That an Upper Clutha Basin Land Use Planning Study is commissioned by Council as recommended by the PDP Hearing Panel¹⁶. Following completion of this UCBLUPS, that Council initiate a variation to incorporate any/all recommendations from this study into the PDP in the same way that provisions relating to the control of the cumulative effects of rural subdivision and/or development within RCL landscape contained in the PDP Stage 2-Wakatipu variation (publicly notified in November 2017) are proposed to be incorporated into the PDP.
13. That the text in Part 2.1.7 of the ODP that relates to the identification of the bulk of proposed buildings to be erected as part of rural resource consent applications is rolled-over and included in Chapter 1 per the amendment to part 1.7.5 in Appendix A.
14. That the standard in PDP Part 21.14.2 for the size of buildings having permitted activity status is reduced from 500m² to 350m² as shown in Appendix D.

The Society attaches the following documents to this notice in order to enable an adequate understanding of this appeal¹⁷:

- (a) Two copies of PDP Stage 1 Chapters 1, 3, 6, and 21.
- (b) Two copies of Appendices A-D. These form part of this appeal and consist of an amended version of the PDP Stage 1 (part or all) of Chapters 1, 3, 6, and 21. These indicate the outcome sought by the Society as a result of this appeal, but subject to the caveats described above.
- (c) Two copies of the Society's PDP submissions and further submissions
- (d) A list of submitter numbers and matching email addresses to be served with a copy of this notice of appeal¹⁸.

Signature of Appellant:

Date:

¹⁵ C10/2009 Glentarn Group Ltd. V. QLDC

¹⁶ Stage 1 Decision Report 16.13 Paragraph 37

¹⁷ All of the documents related to this appeal are publicly available on the QLDC website.

¹⁸ See waiver applied for in covering letter

Address for Service of the Appellant:

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uces@xtra.co.nz**

Contact Person;

**Julian Haworth
Secretary/Treasurer
Upper Clutha Environmental Society (Inc.)
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julianh@xtra.co.nz**

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSED PLAN UNDER CLAUSE 6 OF THE
FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

TO: QUEENSTOWN LAKES DISTRICT COUNCIL

SUBMISSION ON: QLDC Proposed District Plan

NAME: Universal Developments Limited

ADDRESS: c/- Gallaway Cook Allan

PO Box 450

Wanaka 9343

Email: andrew.lovelock@gallawaycookallan.co.nz

Exhibit Note

This is the annexure marked " **B** " referred to in the annexed affidavit of **Ian William Bayliss** which was sworn at **Queenstown** this **3rd** day of **July** 2018

before me

Signature

*A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)*

Kate M. Andrew
Solicitor
Queenstown

1. Universal Developments Limited ("Universal") is a development company based in Wanaka.
2. It could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposed plan that this submission relates to are:
 - (a) Chapter 8 Medium Density Residential.
 - (b) Chapter 27 Subdivision.
 - (c) Chapter 6 Outstanding Natural Landscape lines/ maps/ Chapter 21 Rural.
4. The submission is:

Medium Density Residential

 - (a) Universal supports the identified areas of Medium Density Residential Zone for the District and the identified need for more intensive and creative housing solutions across the District. The provisions of the proposed Medium Density Residential Zone generally meet the purpose of the Act, providing for the community's social and economic wellbeing.
 - (b) Universal generally supports the objectives in Chapter 8, but has some concerns about the policies and seeks their amendment or deletion, as follows:
 - (i) Universal opposes Policy 8.2.11.1 which proposes that intensification not occur until adequate water supply services are available to service a development. This policy is unnecessary. Any future resource consent application will be required to provide a connection to reticulated water that is in accordance with Council's engineering standards. This policy serves no useful purpose.
 - (ii) Universal opposes Policy 8.2.11.2. which proposes a stormwater network design be provided that utilises on-site treatment and storage/

dispersal approaches and avoids impact on the State Highway network. Such a prescriptive policy limits the choice of stormwater design/innovation/options. All stormwater should be available to a developer of land, subject to a chosen option being approved by Council.

- (iii) Universal opposes that part of Policy 8.2.13.1, which proposes that new or altered residential and other noise sensitive buildings within 80m of the State Highways should be designed to meet internal sound levels of AS/NZ 2107:2000. This distance is not supported by robust assessment.

Subdivision

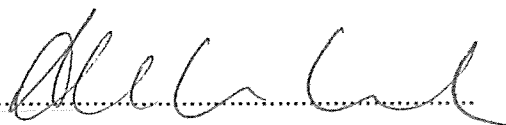
- (c) Universal opposes the Discretionary Activity status for subdivision. This creates uncertainty for those wishing to develop land, with significant potential costs that are not outweighed by associated benefits. It is an open-ended process that could result in inconsistent decision-making across Council with no sure improvement of urban/ residential design outcomes. If urban design concerns are at the heart of Council's proposal to make changes to the activity status for subdivision, Universal suggests those concerns be addressed more clearly through the plan controls for Controlled or Restricted Discretionary activities.

Outstanding Landscape Lines

- (d) Part 6.2 of the proposed plan records that "Landscapes have been categorised into three classifications within the Rural Zone". Policy 6.3.1.1 records that the District's Outstanding Natural Landscapes and Outstanding Natural Features are identified on the planning maps. However, the ONL lines illustrated in the proposed district planning maps not only feature in the Rural zone but also Residential and other zones. The existence of the ONL lines within areas of zoning that is not rural is inconsistent with the overall thrust of the objectives and policies of Chapter 6, which direct the recognition of landscape classifications in the Rural zone.

5. Universal seeks the following decision from the local authority:
 - (a) Confirm the existing Medium Density Residential zone provisions and zones identified on the planning maps, subject to the following changes:
 - (i) Delete Policy 8.2.11.1.
 - (ii) Delete Policy 8.2.11.2.
 - (iii) Amend Policy 8.2.13.1, so that "80m" is replaced by "15m".
 - (b) Amend Rule 27.4.1 and its associated objectives and policies so that subdivision is a Controlled Activity or a Restricted Discretionary Activity and, if deemed necessary, add design controls to the Controlled or Restricted Discretionary Activity rules that will ensure good urban design outcomes.
 - (c) Amend the proposed district planning maps so that ONL lines are only shown on land that is to be zoned Rural.
 - (d) Any additional or consequential relief to give effect to this submission.
6. Universal does wish to be heard in support of its submission.

7. If others make a similar submission Universal would be prepared to consider presenting a joint case with them at any hearing.



Andrew Lovelock, solicitor and agent for submitters

DATED 20 October 2015

Address for service of person making submission:

Andrew Lovelock

Galloway Cook Allan

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THIS IS A FURTHER SUBMISSION on the Queenstown Lakes District Council Proposed District Plan.

Universal has an interest in the proposal that is greater than the interest that the general public has. Universal lodged an original submission on the Proposed Plan.

Universal notes that there are very few submissions opposing the creation of the Medium Density Residential Zone on their property adjacent to SH6. However there are number of submissions that refer to other proposed Medium Density Residential Zones. Any change to the Medium Density Residential Zone provisions due to submissions on other areas has the potential to affect areas never intended to be the subject of submissions.

Universal considers that 'non-contentious' Medium Density Residential Zones should be treated as discrete from other highly contested areas where further changes to provisions may give rise to unintended consequences.

1. Universal opposes the following submissions:

(a) Submission 8:

(i) The particular parts opposed are:

- (1) Those parts that seek the removal of the proposed Medium Density Residential Zone and retention of Rural Zoning on land between Frankton Ladies Mile Highway and the Quail Rise Zone.
- (2) Universal considers the land is best utilised as Medium Density Residential Zone due to its location and the surrounding zones. Medium Density Residential Zoning is appropriate for the area.

(ii) Universal seeks that those parts of the submission described above be disallowed:

This is the annexure marked " C " referred to in the annexed affidavit of Ian William Bayliss which was sworn at Queenstown this 3rd day of ~~July~~ August 2018

before me

Signature 

Kate M. Andrew
Solicitor
Queenstown

- (b) Submission 145:
- (i) The particular parts opposed are:
- (1) Those parts that seek subdivision in Outstanding Natural Landscapes and Outstanding Natural Features have a Non-Complying Activity status rather than a Discretionary Activity status.
 - (2) An activity status change to non-complying is unduly restrictive for land within the Medium Density Zone.
 - (3) The submission suggests non-complying activity status is more appropriate for subdivision and development within Outstanding Natural Landscapes and Outstanding Natural Features. It requests that the Section 32 Landscape Valuation Report is rewritten to discuss the costs and benefits associated with the option of residential subdivision and development becoming non-complying versus discretionary. A non-complying activity status in the ONL and ONF areas is not appropriate nor necessary.
- (ii) Universal seeks those parts of the submission described above be disallowed:
- (c) Submission 408:
- (i) The particular parts opposed are:
- (1) Those parts that seek amendments to Policies 8.2.11.1 and 8.2.11.2.
 - (2) Universal's original submission sought both policies were deleted from the Plan. It considers Policy 8.2.11.1 serves no useful purpose and that Policy 8.2.11.2 is unduly restrictive. This position remains. Consequently neither policy needs to be amended and both policies should be deleted.
- (ii) Universal seeks that those parts of the submission described above be disallowed:
- (d) Submission 717:
- (i) The entire submission is opposed.
- (1) The submission and its Annexure B seek the rezoning of land adjacent to SH6 as Business Mixed Use Zone or Industrial. This is strongly opposed by Universal who consider the most appropriate zoning for the land is the Medium Density Residential Zone in the Proposed Plan.
 - (2) The submission seeks alternative relief to provide more mixed use activity in the Medium Density Residential Zone than is currently provided for. Relief is also sought to protect the submitters lawfully established business from reverse

sensitivity effects, primarily noise and nuisance effects. All provisions are opposed.

- (3) It is noted that specific amendment is sought to Policy 8.2.13.1. The submission seeks that the words "100 metres from Non-Residential Activities" is inserted into the policy. Universal does not see why this is required nor why it should apply to buildings within 100 metres of Non-Residential Activities. There is no analysis to support this figure.
- (ii) Universal seeks that the entire submission be disallowed:
- (e) Submission 847:
 - (i) The particular parts opposed are:
 - (1) Those parts that seek amendment to Policy 8.2.13.1.
 - (2) We note that the relief sought in relation to Policy 8.2.13.1 is the same as Submission 717. The relief sought in relation to that submission is opposed for the reasons already given.
 - (ii) Universal seeks that those parts of the submission described above be disallowed:

2. Universal supports the following submissions:

- (a) Submission 221:
 - (i) The particular parts supported are:
 - (1) Those parts that seek the removal of Outstanding Natural Landscape lines from residential areas and Medium Density Zones.
 - (2) In its original submission Universal stated that the existence of ONL lines in zoned areas that are not Rural is inconsistent with the overall thrust and objectives of Chapter 6. That chapter directs recognition of landscape classifications in the Rural Zone. In accordance with this direction ONL lines should only be shown on land that is zoned Rural. The lines are not compatible with residential areas and Medium Density Zones as promoted. Nor are they consistent with the intention for those zones. ONL overlay within Residential Zones is inconsistent with the objectives for those zones and creates unnecessary restriction on residential development which is what the zones seek to facilitate. The ONL should be removed from residential areas and Medium Density Zones.
 - (ii) Universal seeks that those parts of the submission described above be allowed:

- (b) Submission 395:
- (i) The particular parts supported are:
 - (1) Those parts that seek subdivision as a controlled activity in the Medium Density Residential Zone.
 - (2) Universal opposes subdivision being discretionary. It creates uncertainty and inconsistency for future development. Subdivision of land zoned Medium Density Residential should be a controlled activity.
 - (ii) Universal seeks that the part of the submission described above be allowed.
- (c) Submission 399:
- (i) The particular parts supported are:
 - (1) Those parts that seek subdivision should be a controlled activity on Medium Density Residential Zone land.
 - (2) The reasons for support are the same as those outlined under Submission 395.
 - (ii) Universal seeks that those parts of the submission described above be allowed:
- (d) Submission 423:
- (i) The particular parts supported are:
 - (1) Those parts seeking the removal of Outstanding Natural Landscape lines from areas that are Medium Density Residential Zones.
 - (2) The reasons for support are the same as those outlined under Submission 221.
 - (ii) Universal seeks those parts of the submission described above be allowed:
- (e) Submission 512:
- (i) The particular parts supported are:
 - (1) Those parts that propose a draft controlled activity rule for 27.4.1 as:
 - "1. *Amend Rule 27.4.1, as follows:*
 - All subdivision activities are discretionary **controlled** activities, except **as** otherwise stated:*

Council's control is limited to:

- Lot sizes, averages and dimensions
- Subdivision design
- Property access
- Esplanade provision
- Natural hazards
- Fire fighting water supply
- Water supply
- Stormwater disposal
- Sewage treatment and disposal
- Energy supply and telecommunications
- Open space and recreation
- Easements
- The nature, scale and adequacy of environmental protection measures associated with earthworks


All subdivision activities in the Rural Zone are Discretionary activities.

2. *Amend the relevant subdivision objectives and policies as appropriate so that they inform and achieve the controlled activity status subdivision described above."*

- (2) It is considered the proposed rule is appropriate for subdivision activity. The Rule achieves a balance between enabling development while at the same time providing a framework for appropriate matters to be addressed as part of consent.

- (ii) Universal seeks those parts of the submission described above be allowed:

3. Universal wishes to be heard in support of this submission.
4. Universal considers presenting a joint case with others presenting similar submissions.


 Bridget Irving / Chris Timbs
 Solicitors for Universal Developments Limited

Date: 17 December 2015

cc.

Submitter	Contact Email
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Upper Clutha Environmental Society (Inc) (Julian Haworth)	uces@xtra.co.nz
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Carol Bunn	carolbunn.winemaker@gmail.com
The Estate of Norma Kreft (Vanessa Robb)	vanessa.robb@andersonlloyd.co.nz

'D'

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-

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 **Universal Developments Limited**
Appellant

And **Queenstown Lakes District Council**
Respondent

Notice of Appeal

19 June 2018

Exhibit Note

This is the annexure marked "D" referred to in the annexed affidavit of Ian William Bayliss which was sworn at Queenstown this 3rd day of August 2018

before me

Signature

A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

Appellant's solicitors:
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Kate M. Andrew
Solicitor
Queenstown

**anderson
lloyd.**

To The Registrar
Environment Court
Christchurch

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

2 Universal made a submission (#177) and further submission (#1029) on the PDP.

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

4 Universal 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:

- (a) Chapter 3 Strategic Direction;
- (b) Chapter 4 Urban Development;
- (c) Chapter 8 Medium Density Residential;
- (d) Chapter 9 High Density Residential;
- (e) Chapter 16 Mixed Business Use;
- (f) Chapter 27 Subdivision;
- (g) Planning Map 31a.

7 Reasons for appeal

Frankton North Specific Issues

8 Universal Developments owns land legally described as Lot 2 DP 497316, held in CFR 764774 (**Site**), adjacent to SH6 Frankton-Ladies Mile Highway. The Site was notified as medium density Residential Zoning (**MDR**) through the PDP, and has been retained as such in the Council's Decisions. Universal submitted generally on the notified zoning of its Site and on submissions which sought alternative zonings (#717, #751, #847, #399).

9 A broad range of submissions were lodged to the PDP seeking alternative zoning outcomes for the Site and adjacent land, within the Urban Growth Boundary and zoned MBU / MDR to the north of SH6 (collectively referred to as **Frankton**

North) as indicated coloured orange and dark red in **Appendix B**. Those submissions sought a range of outcomes from Rural Zone, to alternative zoning which provides for residential, light industry, service activities, trade based suppliers, and storage, through any mixture of Low, Medium, or High Density Residential, Industrial, Mixed Business Use, or Local Shopping Centre Zones.

- 10 In the course of hearings on the Frankton North Land, Universal worked constructively with adjacent landholder submitters to present a joint proposal to Council which involved a comprehensive site-specific set of provisions for Mixed Business Use Zoning, including structure plan access and specific subdivision rules. Universal has broad standing in respect of seeking or supporting notified and alternative zonings of its site and the Frankton North land, if that is considered necessary or appropriate.
- 11 The Council's Decision in part accepted this relief; however the Universal Site has not been rezoned from MDR as originally notified. This Decision is contrary to the Council's expert evidence presented in the course of the hearings, seeking High Density Residential Zone over the Site, and contrary to the Submitter's expert evidence produced, seeking a specific Frankton North Mixed Business Use Zone. The Council's Decision is considered to be an inefficient and ineffective use of the Site as it does not provide for higher density residential opportunities and mixed commercial activities, for which there is a current and projected shortfall of zoning across the District.
- 12 The Council's reasoning for not rezoning the Site as HDR (despite Council's planning experts recommending that status) included the following:

The balance of the sites, which are outside the OCB should remain MDRZ in our opinion, rather than HDRZ recommended by Ms K Banks. This is for two reasons. Firstly, MDRZ would provide a better transition to the Rural land which would commence at the property boundaries slightly above the bottom of Ferry Hill. Secondly we do not think that the site would not really provide good alternative access to nearby commercial and employment centres by pedestrians, cyclists and public transport, as the zone purpose for HDRZ suggests, even after the installation of safe crossing points. Further, the nearest centre, which is Five Mile, does not provide a full range of commercial, community and social facilities in any case¹.
- 13 This reasoning is not justifiable given that a transition to rural land can be perceived as being provided for within the rural land, and the Site is within walking distance to the wider Frankton area including five mile, which once developed will be a full service centre. The consequence of the MDR provisions applicable to the Site also results in confusion as to whether future development within the Site must provide direct access to SH6, or whether access can be

¹ Para 99, Council Decision Report 17-6

facilitated through alternative routes to the Site. The Site currently has frontage to SH6, and potential access to the Highway (in the instance of future upgrading) however also has access options through Ferry Hill Drive and Tucker Beach. **Appendix A** further sets out detailed relief in respect of providing for these alternative access options.

- 14 Among other concerns, the Council's Decision referred to a concern for rezoning the Frankton North land Mixed Business Use as undermining the viability and functioning of the Frankton Commercial areas. Mechanisms to address these concerns can be included in any subsequent rezoning of the Frankton North land, such as by including limitations on ground floor areas so as to reduce impacts on other large format retail in Frankton.
- 15 The Council's PDP Decision fails to adequately provide for the higher order provisions of the PDP, the operative and proposed RPS, Part 2 of the Act, and therefore is not the most effective and efficient zoning having regard to the requisite section 32 assessment.
- 16 Without derogating from the generality of the issues identified above, Universal now seeks the following outcomes in the PDP:
 - (a) Rezoning of the Site and surrounding Frankton North land to enable higher density residential and / or mixed commercial and activities, through either a combination or a rezoning of the following: High Density Residential, or Mixed Business Use, or other zoning which would achieve similar outcomes; and
 - (b) Consequential amendments to the provisions of the above zone chapters to provide a site-specific regime for the Site and the Frankton North land, including by way of structure plan and associated subdivision rules; and
 - (c) Consequential amendments to any strategic and higher order provisions of the PDP so as to support and give effect to the ultimate Frankton North zoning; and
- 17 The particulars of the relief sought by Universal are further set out in Appendices **A, B, and C** to this Appeal.
- 18 The rezoning relief as set out in this Appeal is considered to provide for a more efficient and effective development regime for the Frankton north land, which will positively contribute to the District's projected shortfall in commercial zoned land and current housing affordability and supply issues. This relief better achieves:
 - (a) The higher order provisions of the PDP, proposed and operative Regional Policy Statements;

- (b) Section 32 of the Act;
- (c) Part 2 of the Act.

General Medium Density Residential Issues

- 19 Universal also has interests in land elsewhere in the District, and which is affected by Chapters 3, 4, and 8 (MDR) of the PDP. Universal seeks general amendments to those chapters to facilitate a more efficient and effective planning regime for residential development in residential zoned areas. Universal considers it important that the residential zones, in particular the MDR Zone, enable residential development unconstrained by unnecessary subdivision and land use rules which otherwise inhibit the ability for those zones to achieve their purpose. Broader activities, such as community and commercial activities, are also important to facilitate in the MDR Zone, where this contributes to an integrated outcome for mixed residential communities.
- 20 The particular relief set out in respect of these Chapters, applicable to areas other than the Frankton North land, is set out in **Appendix A** to this Appeal.

Chapter 3 Strategic Direction

- 21 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 Universal interests are affected by Chapter 3.
- 22 Significant changes to the content and structure of Chapter 3 have occurred between the notified PDP version and the decisions version. Universal therefore considers that its appeal on this chapter is significantly broad and not limited in scope to original policies and objectives listed.
- 23 Universal opposes those provisions of Chapter 3 which do not provide for efficient and effective urban development, and which do not provide sufficiently for the social, economic, and cultural wellbeing of people and communities.
- 24 The specific provisions of Chapter 3 and the relief sought by Universal are set out in **Appendix A** to this Appeal.

Chapter 4 Urban Development

- 25 Chapter 4 provides for 'hard' urban edges by ensuring a transition to adjacent rural zones is provided for within a UGB. This is opposed on the basis that land zoned for development within a UGB should be used for that purpose and not unnecessarily constrained.

- 26 The specific provisions of Chapter 4 and the relief sought by Universal are set out in **Appendix A** to this Appeal.

Chapter 27 Subdivision

- 27 Universal is in particular concerned with the removal of a controlled activity subdivision status for residential and business zoned land. Controlled activity status is critical to the successful development and completion of subdivision within developable zones (including Mixed Business Use, Township, Special, and Residential). These are zones which are anticipated for further subdivision and development, and therefore subdivision should be enabled to achieve the purpose as land use change is expected. These are zones in which the anticipated level of effects for the Zone have been considered and accepted at a local and District Wide level.
- 28 The specific provisions of Chapter 27 and the relief sought by Universal are set out in **Appendix A** to this Appeal.

Further and consequential relief sought

- 29 Universal seeks alternative, consequential, or additional relief to that set out in this appeal necessary to give effect to the matters raised generally in this appeal and Universal's PDP submission and further submission.

Attachments

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

Appendix A – Relief sought

Appendix B – Location of Frankton North Land

Appendix C – Proposed Frankton North Structure Plan

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

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

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

Dated this 19th day of June 2018



Maree Baker-Galloway/Rosie Hill
Counsel for the Appellant

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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.

Appendix A - Relief sought

Provision (PDP decision version)	Reason for appeal	Relief sought
Planning Map 31a and Frankton North specific issues		
Planning Map 31a	The current Zoning of the Site and the adjacent Frankton North land is an inefficient and ineffective zoning regime, taking into account current and projected shortfalls in commercial zoned land and housing affordability and supply issues in the District.	<p>Rezone the Site and the adjacent Frankton North land, as indicated in orange and dark red in Appendix B to either of the following zones (or a combination thereof);</p> <ul style="list-style-type: none"> • High Density Residential; • Mixed Business Use; • Or other similar zoning to achieve the above outcomes <p>Provide for site-specific provisions for the rezoned Frankton North Land.</p>
Chapter 27 – Rules 27.2., 27.7.1 and Chapter 16, Chapter 9 Structure Plan	The access rules for the Frankton North land are unclear and are not facilitated by the agreed Structure Plan as presented in the hearing.	<p>Amend Chapter 27 and Chapters 9 / 16 to provide for the Frankton North Structure Plan (included as Appendix C) and associated provisions, as necessary, including:</p> <p><u>16..x.xx Structure Plan</u></p> <ul style="list-style-type: none"> • <u>Internal road access shall be provided in accordance with the Structure Plan in Rule 16.7. as follows:</u> • <u>Road access into the zone from State Highway 6 shall be via the fourth (northern) leg of the Hawthorn Drive/State Highway 6 roundabout (Designation #370), unless otherwise approved by the NZ</u>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Policy 8.2.8.8</p> <p>Ensure coordinated, efficient and well-designed development by requiring, prior to, or as part of subdivision and development, construction of the following to appropriate Council standards:</p> <ul style="list-style-type: none"> a. a 'fourth leg' off the Hawthorne Drive/State Highway 6 roundabout; b. all sites created in the area to have legal access to either Hansen Road or the Hawthorne Drive/State Highway 6 roundabout; and c. new and safe pedestrian connections between Hansen Rd 	<p>The combination of policy 8.2.8.8 and Rule 8.5.3.1 provides an uncertain outcome with respect to how and when any upgrade access to the State Highway will be facilitated. It is unclear how the location, extent, and contributions to the upgrade would be provided for through the land use standards, as compared to a structure plan approach proposed by the Appellant. Furthermore there is a disconnect between the policy and rule 8.5.3.1, as the policy appears to require State Highway access and upgrade as a precondition of development, whereas Rule 8.5.3.1 anticipates that development will provide for connections via Hawthorne Drive or State Highway 6 Roundabout and / or Ferry Hill Drive.</p> <p>The Site has available access presently through Ferry Hill Drive, and if the Appellant is not successful in seeking HDR</p>	<p><u>Transport Agency:</u></p> <p>Subject to compliance with a. above, Required Primary Road Access shall be provided as shown on the Structure Plan except that the exact location of such roading may vary by up to 50 metres.</p> <p>Consequently amend Rule 16.2.3.8 and 16.2.3.9 and Chapter 27</p> <p>Delete policy 8.2.8.8, pending further amendments in the course of hearings to clarify its intention and effect.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>and the southern side of SH6, and the Hawthorne Drive/State Highway 6 roundabout, Ferry Hill Drive and the southern side of State Highway 6.</p>	<p>Zoning, the fall back zoning may be confirmed as MDR. In this instance the Appellant requires certainty as to the mechanisms and triggers for any future SH6 upgrade, and certainty as to the ability to develop while utilising the Ferry Hill Drive access. Although no specific alternative wording for relief on this policy has been sought at this stage, the Appellant generally seeks deletion of the policy, pending further refinements to its intent and effect in the course of any appeal hearings.</p>	
<p>Rule 8.5.3.1 Transport parking and access design</p>	<p>See above reasoning in respect of policy 8.2.8.8</p>	<p>Delete Rule 8.5.3.1 pending further amendments in the course of hearings to clarify its intention and effect.</p>
<p>Chapter 8, Rule 8.5.3 landscape Buffer to SH6</p>	<p>The landscaping rule is fairly prescriptive as to the scale and area of planting with the BMU one, but in relation to the MDR Zone some of the text from the equivalent BMU planting rule has been omitted. The MDR planting rule fails to specify the width of required planting and we suggest appealing to ensure the standard is not so widely framed and made similar to the BMU Zone rule requiring 4m of planting.</p>	<p>Amend Rule 8.5.3 to provide further clarity in respect of landscaping requirements</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
Chapter 8, Rule 8.5.1	<p>Given the 90m wide sleeve of BMU located along the State Highway, where building is enabled up to 12m and possibly up to 20m through a RD consent, this is inconsistent for building within the MDR Zone behind that to be restricted to 8m.</p>	<p>Amend Rule 8.5.1 to provide for a permitted maximum height limit of 12m in the Frankton North MDR Zone, and Restricted Discretionary height limit 12m – 20m.</p>
Chapter 8, Rule 8.5.6	<p>Recession planes provided for in this rule are overly prescriptive and onerous to meet. These will not allow for individualised design and site-specific planning requirements, to achieve the purpose of the Zone. These are sought to be amended to provide a more flexible design and planning regime by reducing the current recession requirements.</p>	<p>Amend Rule 8.5.6 to reduce or remove the recession plane requirements, allowing for site-specific design and amenity outcomes.</p>
Alternative relief – HDR Zone site specific provisions as required	<p>In the instance that the Site and the adjacent Frankton North land is rezoned to High Density Residential, Universal seeks a suite of consequential amendments, including to objectives, policies, and rules, which are required to give effect to site-specific planning issues of the Frankton North land. Such relief could include, but is not limited to, similar matters to those specifically provided for in respect of the range of MBU Frankton north provisions, currently contained in Chapter 16</p>	<p>Amend Chapter 9 HDR to provide a site specific suite of objectives, policies, and rules relevant to the Frankton North land, including but not limited to matters currently contained in Chapter 16.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
Alternative Relief – MBU Zone site specific provisions as required	In the instance that the Site and the adjacent Frankton North land is rezoned to Mixed Business Use, Universal seeks a suite of consequential amendments, including to objectives, policies, and rules, which are required to give effect to site-specific planning issues of the Frankton North as a consequence of extending the zoning. Such relief could include, but is not limited to, similar matters to those specifically provided for currently in Chapter 16.	Amend Chapter 16 MBU to provide a site specific suite of objectives, policies, and rules relevant to the Frankton North land, including but not limited to matters currently contained in Chapter 16.
Alternative Relief – Chapter 27 subdivision site specific provisions as required	In the instance that the Site and the adjacent Frankton North land is rezoned to High Density or Mixed Business Use, Universal seeks a suite of consequential amendments, including to objectives, policies, and rules, which are required to give effect to site-specific planning issues of the Frankton North land. Such relief could include, but is not limited to, similar matters to those specifically provided for in respect of the range of MBU Frankton North provisions, currently contained in Chapter 16.	Amend Chapter 27 Subdivision to provide a site specific suite of objectives, policies, and rules relevant to the Frankton North land, including but not limited to matters currently contained in Chapter 16.
MDR Chapter 8 – general appeal matters		

Provision (PDP decision version)	Reason for appeal	Relief sought
Objective 8.2.6, Rule 8.4.13; 8.4.16; 8.4.9	Objective 8.2.6 enables support for community activities in the MDR Zone, subject to addressing residential amenity values. This is not reflected in Rules 8.4.13 and 8.4.16 / 8.4.9 which result in a non-complying activity status for community activities and commercial activities over 100m2, and discretionary activity status for commercial activity status under 100m2. These rules are sought to be amended to better enable those activities and to achieve Obj 8.2.6	Amend Table 1 to provide for: <ul style="list-style-type: none"> Community activities as a controlled activity; Commercial activities over 100m² as a discretionary activity, and under 100m² as a controlled activity.
Chapter 3		
Strategic objective 3.2.1.3	This objective should also recognise the important contribution of mixed business use and residential housing in the Frankton area	Amend Strategic Objective 3.2.1.3 to also recognise the mixed business use and residential contributions of Frankton
The Frankton urban area functions as a commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin.	This objective does not recognise the projected shortfall of commercial zoned land in the District over the medium – long terms, and as required to be provided for through the NPS-Urban Development Capacity	Amend strategic policy 3.3.6 as follows: Avoid <u>Manage</u> additional commercial zoning that will <u>may</u> undermine the function and viability of the Frankton commercial areas as the key service centre for the Wakatipu Basin, or which will <u>may</u> undermine increasing integration
Strategic policy 3.3.6	This objective does not recognise the projected shortfall of commercial zoned land in the District over the medium – long terms, and as required to be provided for through the NPS-Urban Development Capacity	Amend strategic policy 3.3.6 as follows: Avoid <u>Manage</u> additional commercial zoning that will <u>may</u> undermine the function and viability of the Frankton commercial areas as the key service centre for the Wakatipu Basin, or which will <u>may</u> undermine increasing integration
Avoid additional commercial zoning that will undermine the function and viability of the Frankton commercial areas as the key service centre for the Wakatipu Basin, or which will undermine increasing integration between those areas and the		

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Industrial and residential areas of Frankton. (relevant to S.O. 3.2.1.3)</p>		<p>between those areas and the industrial and residential areas of Frankton, <u>while ensuring sufficient development capacity for commercial and residential land is provided for over the short, medium, and long term.</u> (relevant to S.O. 3.2.1.3)</p>
Chapter 4		
<p>Policy 4.2.2.12</p> <p>Ensure that any transition to rural areas is contained within the relevant urban Growth boundary</p>	<p>This policy undermines the ability for land within UGBs to develop and achieve the purpose of Chapters 3 and 4. Protection of adjacent rural amenity values should not impact on the viability of residential and business zoned land within UGBs. There is no RMA reason not to provide for a 'hard' urban boundary.</p>	<p>Delete Policy 4.2.2.12</p>
Chapter 27		
<p>Rule 27.5.7 all subdivision defaults to RDA activity status</p>	<p>Subdivision within urban zones is anticipated and should be enabled through chapter 27, subject to appropriate matters of reserved control. Requiring RDA subdivision rather than controlled will result in a disconnect between the rules</p>	<p>Amend Rule 27.5.7 to a default controlled activity status for all zones unless otherwise specified.</p> <p>Zones to be included in a controlled activity status include;</p> <ol style="list-style-type: none"> 1. Lower Density Suburban Residential Zone;

Provision (PDF decision version)	Reason for appeal	Relief sought
	<p>applicable to the Zone and the purpose of the Zone.</p>	<p>2. Medium Density Residential Zone; 3. High Density Residential Zone; 4. Town Centre Zones; 5. Arrows Residential Historic Management Zone; 6. Large Lot Residential Zone; 7. Local Shopping Centre; 8. Business Mixed Use Zone; 9. Airport Zone – Queenstown. <u>10. Township Zones;</u> <u>11. Rural Residential;</u> <u>12. Rural Lifestyle.</u></p>
Frankton North – Structure Plan	<p>The mechanisms for the creation of access to and within the BMUZ at Frankton are unclear and uncertain. FI consider that adherence to a Structure Plan would remedy such problems.</p>	<p>Insert a new rule within Chapter 27 (Subdivision), requiring that subdivision be undertaken in accordance with the Structure Plan for the Frankton North Business Mixed Use Zone.</p>
Rule 27.10 Applications for all controlled and restricted discretionary activities shall not require the written approval of other persons	<p>The protection of the State Highway is adequately achieved through separate policies which assure its efficient and safe functioning. The application of this policy could be broader for notification than just to NZTA.</p>	<p>Amend Rule 27.10 as follows: Applications for all controlled and restricted discretionary activities shall not require the written approval of other persons</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>and shall not be notified or limited notified except:</p> <p>a. where the site adjoins or has access onto a State Highway;</p>		<p>and shall not be notified or limited notified except:</p> <p>a. where the site adjoins or has access onto a State Highway;</p>

'E'

**SUBMISSION ON THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991**

To: Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Submitter: Mount Christina Limited
C/- Boffa Miskell Ltd
PO Box 110
CHRISTCHURCH


Attention: Chris Ferguson, Planner
Phone: (03) 353 7568
Mobile: 021 907 773
Email: Chris.Ferguson@boffamiskell.co.nz

Mount Christina Limited (the "MCL") makes the submissions on the Proposed Queenstown Lakes District Plan ("PDP") set out in the **attached** document.

MCL confirms their submission does not relate to trade competition or the effects of trade competition.

MCL would like to be heard in support of its submission.

If other persons make a similar submission then MCL would consider presenting joint evidence at the time of the hearing.



Chris Ferguson

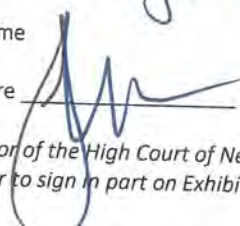
Mount Christina Ltd

23rd day of October 2015

Exhibit Note

This is the annexure marked "E" referred to in the annexed affidavit of *Ian William Bayliss* which was sworn at *Queenstown* this *3* day of *August 2018*

before me

Signature 

*A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)*

Kate M. Andrew
Solicitor
Queenstown

OUTLINE OF SUBMISSION

This submission has been structured under the following headings:

Section A: Overview

Section B: Reasons for, and matters raised, in the Submission

Section C: Specific Submissions to the Proposed Queenstown Lakes District Plan

SECTION A: OVERVIEW

1. Mount Christina Ltd owns land alongside the Glenorchy - Paradise Road, approximately 440 m south of Lovers Leap Road and 12 km north of Glenorchy Township. Its land has been identified within the Rural Residential and Rural General Zone under the Proposed Queenstown Lakes District Plan ("PDP"). It has the same zoning under the operative District Plan.
2. The purpose of this submission to the PDP is to realign the shape and area of the rural land as Rural Residential to better match with the topography of the site. The submission also seeks to make some minor amendments to the rules, policies and objectives for the rural residential zone to achieve a better alignment between the relevant objectives of the PDP and the proposed methods.

SECTION B: REASONS FOR, AND MATTERS RAISED, IN THE SUBMISSION

Description of the Site

3. The site is an area of land forming part of the Earnslaw Station, located below the north western flanks of Camp Hill to the south of the Earnslaw Burn and a short distance from the boundary of the Aspiring National Park. The Dart River passes the site a few kilometres to the west and the entrance to the Rees Valley to the south east.
4. The land to which the submission relates to land contained within a single title, legally described as Lot 1 – 2 DP 395145 and Section 2 SO Plan 404113, being 28.86 hectares in area and contained within Computer Freehold Register 455423.

Resource Consent History

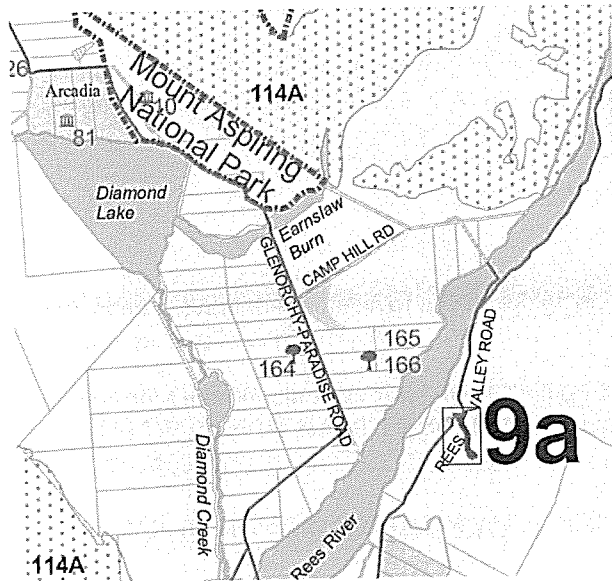
5. MCL holds an approved resource consents for the subdivision of the site into 26 rural living allotments located within the rural residential zone and partly within the rural general zone. That original subdivision consent RM050144 has been since varied and implemented in part with an extension given to the lapsing date, to now lapse on 9 May 2017.
6. As is recorded within the decision of the Commissioner on RM050144, the zoning of the rural residential part of the site does not follow existing topography and has "slipped" to the west with the result that a large space has been created between the zones eastern edge and the base of Camp Hill. The Council Commissioner for that resource consent accepted that *"the majority of the proposal would fall within the more logical topographical area described by Messrs Kirkland and Hohneck as the intended extent of the Rural Residential Zone"*¹.
7. As part of this proposal two large areas of land located within the Rural General Zone (operative District Plan) were identified for view protection purposes. Within these areas it is

¹ Para 12, Page 3, Decision on RM050144 Commissioner Michael Parker (9 Nov 2005)

proposed to prevent the erection of any buildings or other structures and for their maintenance in natural pasture in perpetuity.

8. The rural area surrounding this zone falls within an outstanding natural landscape. Below is an extract of PDP Planning Map 9 (Glenorchy Rural, Lake Wakatipu) showing the area of the MCL land and surrounding zoning.

Planning Map 9 (Glenorchy Rural, Lake Wakatipu)



Proposed Relief

9. This submission does not seek to address any of the higher order provisions of the PDP or any of the district wide chapters, including Chapter 3 Strategic Directions, Chapter 6 Landscapes or Chapter 27 Subdivision. Submissions on these chapters are being advanced through the separate submission lodged by Darby Planning LP, an entity related to the MCL.
10. A number of small changes are sought to the objectives, policies and rules of Chapter 22 Rural Residential and Rural Lifestyle. These changes are proposed in order to improve the effectiveness and efficiency of the methods in achieving the relevant objectives of the plan and to also remove any unnecessary restrictions.
11. The proposal is adjust the rural residential zone across the MCL land described above to logically match with topography. The nature of the proposed adjustment is illustrated on the map of the proposed rural residential zone attached to and forms a part of this submission within **Appendix 1**. The primary relief sought by MCL is to replace the rural residential zone shown on Planning Map 9 with that shown on the plan attached within Appendix 1.
12. The specific changes sought to the PDP provisions are detailed within Section C of this submission.

Subdivision

13. Whilst the district wide submission by Darby Planning LP addresses the subdivision chapter generally, MCL seek to specially address the elevation in the default status of all subdivision from controlled activities to discretionary activities (unrestricted).
14. MCL challenges the veracity of the Council s.32 assessment of the proposed changes sought to the subdivision chapter and considers that this assessment has not adequately considered:

- (a) The commercial impacts of the lack of certainty to landowners and investors;
 - (b) The flow on effects that this uncertainty will create in terms of being able to deliver affordable housing and provide security over the mechanisms to create separate land tenure;
 - (c) The transaction and administrative costs and inefficiencies of administering a discretionary regime. The Council has sought to reduce uncertainty through the introduction of rules relating to non-notification of consent, but this fails to adequately address the lack of certainty relating to the merits of any particular proposal, including proposals that meet all of the other standards including minimum lot size for subdivision; and
 - (d) Minor applications for boundary adjustment have been also removed from the subdivision chapter and this creates further uncertainty over proposal with typically very little to no adverse effects on the environment.
15. For these reasons, MCL seek to have the provisions of the subdivision chapter withdrawn and replaced with the operative plan provisions from Chapter 15. Controlled activity status for subdivision together with appropriate standards relating to lot sizes and servicing infrastructure is considered this the most appropriate method to implement the objectives of the PDP having regard to their effectiveness and efficiency.

Section 32AA Evaluation

16. The following summary evaluation has been prepared under section 32AA of the Act to supplement the proposed changes sought to the rural residential zone. S.32AA requires that a further evaluation under sections 32(1) to (4) is necessary for any changes that have been made to the proposal since the evaluation report for the proposal was completed.
17. In accordance with s.32AA(1)(c) this evaluation has been undertaken at a level of detail which corresponds to the scale and significance of the changes.

Proposed District Plan Policy Framework

18. The relevant objectives from the PDP are outlined below.

Chapter 3 Strategic Directions

Objective 3.2.5.1 Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.

19. The site falls within an area of Outstanding Natural Landscape in terms of the mapping included within the PDP, although the landscape classifications are not intended to apply to the rural lifestyle of rural residential zones. The nature of the proposed relief to adjust the existing rural residential zone to better match with the underlying landform and as approved by the Council in terms of resource consent RM050144.
20. An assessment of the landscape effects of subdivision or development within the small area of ONL located beyond the rural residential zone was provided at the time of the original application in evidence of Mr Ben Espie and a separate report prepared by the Council by Mr R Girvan.
21. The changes proposed to the boundary of the rural residential zone, involved shifting its location off a prominent escarpment in that zone and onto rural land located on an elevated terrace towards the base of Camp Hill. The impact of this change in landscape terms will be to "significantly reduce the prominence of residential development within the rural residential zone compared with that approved in the underlying subdivision". In this regard the change to the

zones location as proposed by MCL will result in less effect on landscape values than if the existing zone was implemented.

22. Taken together the changes are considered to provide greater protection of the natural character of the ONL than under the status quo and is therefore consistent with Objective 3.2.5.1.

Objective 3.2.5.3 Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.

23. The MCL land is located with a part of the landscape that has been approved for subdivision under the provision of the rural residential zone and part rural general zone. The changes proposed to the zone boundary, as described above, will ensure that future subdivision and development will be located within a part of the landscape which has greater potential to absorb change.

Objective 3.2.5.4 Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.

24. Retaining the MCL within the rural residential zone positively implements Objective 3.2.5.4 by maximising the lifestyle living opportunities within the area of the available land.

Objective 3.2.6.2 Ensure a mix of housing opportunities

25. Rural living is a form of housing at the low end of the density spectrum and will therefore help to ensure a mix of housing opportunities are provide across the District.

Chapter 6 Landscapes

6.3.1 Objective - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.

26. As above, the proposed changes to the boundary of the rural residential zone into an area of ONL is a trade off involving extending development into a small area of ONL that has capacity to absorb change and the avoidance of development on a prominent escarpment included within the zone. The net change in landscape effects is considered positive. On this basis, the change to the zone boundary achieve Objective 6.3.1.

6.3.2 Objective - Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.

27. The proposed relief seeks to achieve greater definition of the zone boundary, which is based on topography and landscape inputs. If the proposed boundary has greater landscape logic and can be more readily understood on the ground there is less potential to incremental growth and the creation of adverse cumulative effects.

6.3.4 Objective - Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL).

28. This objective is very similar to Objective 3.2.5.1, discussed above. The net change resulting from the change to the boundary of the zone will offer greater protection of a prominent landscape feature in favour of development within an area of landscape less visible. On this basis the proposed relief will achieve Objective 6.3.4.

Evaluation

Identification of other reasonably practicable options for achieving the objectives s.32(1)(b)(i)

- 29. The reasonably practicable options available to MCL to provide for the use and development of its land under the PDP includes:
 - (a) Retention of the status quo with no change to rural residential zone and implementation of subdivision and development through resource consent.
 - (b) Amend the boundary of the existing rural residential zone to follow a more logical landscape boundary, based on topography and landscape character.
- 30. Retention of the status quo relies on the implementation of the current consent and in particular the provision of restrictive covenants to manage the effects of subdivision and development on landscape values.
- 31. Aligning the zone boundary to better follow topography and the landscape values of the site would avoid the need to secure protections through consent and create a more enduring form of management of the natural and physical resources of this area.
- 32. The current zone zones aligns with Objective 3.2.5.4, to recognise the finite capacity for residential activity in rural areas. The proposed zone would carry the same benefit, but have the additional benefit of protecting the outstanding natural landscape from inappropriate subdivision, use or development.

Assessment of efficiency and effectiveness of provisions s.32(1)(b)(ii) and s.32(2)(a)

(a) Effectiveness:

The proposed methods are an appropriate basis for achieving Objective 3.2.5.4, because it enables the efficient use the available land use, included established roading access without compromising the qualities of the landscape.

(b) Efficiency

Benefits	Costs
<p><i>Environmental</i></p> <p>The removal of rural residential zoning fro, the prominent terrace escarpment. This change to this part of the land will provide for greater certainty over the effects of development within the landscape and also protection of open space.</p>	<p><i>Economic</i></p> <p>Overdevelopment of the area would lead to a loss of landscape amenity values and therefore a reduction of visitors to the area.</p> <p><i>Social & Cultural</i></p> <p>Insensitive development would negatively impact on landscape amenity and the character of the area.</p> <p>Parts of the site contain prominent landforms that could negatively impact on the quality of the landscape and the amenity values of this area if not protected.</p>

Summary of reasons for proposed provisions s.32(1)(b)(iii)

33. The changes sought to the boundaries of the Rural Residential Zone provides the most appropriate way of achieving the relevant objectives of the PDP because it will result in a net positive change to the effects of future development on the landscape.

Consequential and Further Changes

34. MCL seeks to make any similar, alternative and/or consequential relief that may be necessary or appropriate to address the matters raised in this submission or the specific relief requested in this submission.

SECTION C: SPECIFIC SUBMISSIONS TO THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined</u> bold italics and deleted text shown as italics-strike-through]
Chapter 22 – Rural Residential and Rural Lifestyle Zones		
Objective 22.2.1	The objective is worded in the form of a policy and should instead be amended as aspirational outcome to be achieved. Use of the word “avoid” creates too stringent a test and does not enable implementation of policies intended to enable rural living.	Amend Objective 22.2.1 as follows: Maintain and enhance <i>The district's landscape quality, character and visual amenity values are <u>maintained and enhanced</u> while enabling rural living opportunities in areas that can avoid-detracting from-<u>absorb development within</u> those landscapes <u>are enabled</u>.</i>
Policy 22.2.1.7	Whilst the policy is appropriate to manage fire risk, the policy is not intended to manage effects on landscapes and visual amenity, and therefore would more appropriately sit under another objective, such as objective 22.2.3 addressing natural hazards.	Move Policy 22.2.1.7 to sit under Objective 22.2.3.
Objective 22.2.2	The objective is worded in the form of a policy and should instead be amended as aspirational outcome to be achieved.	Amend Objective 22.2.2 as follows: Ensure the <i><u>Within the rural residential and rural lifestyle zones, predominant land uses are rural, residential and where appropriate, visitor and community activities.</u></i>
Policy 22.2.2.3	The policy as worded would not allow for complementary visitor activities such as restaurants in the rural residential and rural lifestyle zones. Limited visitor focused activity would be appropriate where the scale, and intensity of the activity does	Amend Policy 22.2.2.3 as follows:

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined</u> bold italics and deleted text shown as italic-strike-through]
	not adversely affect the amenity, quality, and character of these zones, to achieve objective 22.2.2.	Discourage commercial and non-residential activities, including restaurants, visitor accommodation and industrial activities, so that where the amenity, quality and character of the Rural Residential and Rural Lifestyle zones are not diminished is adversely affected and the vitality of the District's commercial zones is not undermined
Objective 22.2.3	<p>Support in Part</p> <p>The objective is worded in the form of a policy rather than an aspirational outcome to be achieved, and does not clearly specify the outcome expected from new development with regard to natural hazard risks.</p>	<p>Amend Objective 22.2.3, as follows:</p> <p>Manage New development and adequately manages natural hazards risks.</p>
Policy 22.2.3.1	<p>Oppose</p> <p>The policy wording is imprecise and does not clearly specify the action required from development to manage natural hazard risks. If the policy is seeking to manage risk from future information pertaining to natural hazards unknown at the time of notification of the PDP, that future assessment can be appropriately managed through the subdivision provisions and s.106 of the RMA. MCL seeks to have this policy deleted.</p>	Delete Policy 22.2.3.1.
Rule 22.4.2 Status of Building in the Rural Residential Zone	<p>Support</p> <p>The permitted status for the construction and external alteration of buildings in the rural residential zone is appropriate.</p>	Retain Rule 22.4.2 unchanged.

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined</u> , bold italics and deleted text shown as italics-strike-through]
Rule 22.4.5 Residential Activity	<p>Support</p> <p>The permitted status for residential activity in the rural residential zone is appropriate.</p>	<p>Retain Rule 22.4.5 unchanged.</p>
Rule 22.4.6 Residential Flats	<p>Support</p> <p>The permitted status for residential flats in the rural residential and rural lifestyle zones is appropriate.</p>	<p>Retain rule 22.4.6 unchanged.</p>
Rule 22.4.1	<p>Oppose</p> <p>Visitor accommodation is not an unexpected outcome within the rural residential zone and can be an appropriate outcome that can positively assist tourism infrastructure through a more spread of accommodation choices within different environments. The status of Visitor Accommodation can be appropriately managed as a restricted discretionary activity to ensure impacts on the amenity values for neighbours and of any increased traffic and demand for servicing infrastructure are taken into account.</p>	<p>Amend Rule 22.4.1 Visitor Accommodation to lower the activity status from Non-Complying to Restricted Discretionary, together with the addition of the following matters of discretion:</p> <p>Visitor Accommodation <i>outside of a visitor accommodation subzone, including the construction or use of buildings for visitor accommodation.</i></p> <p><u>Councils discretion is restricted to:</u></p> <ul style="list-style-type: none"> - <u>Impacts on the amenity values of neighbouring properties</u> - <u>Traffic generation, access and parking</u> - <u>Noise</u> - <u>Signs and lighting</u> - <u>The external appearance, bulk and scale of building</u>

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined</u> , bold , <i>italics</i> and deleted text shown as <i>italic-strike-through</i>]
<p>Rule 22.5.1 Building Materials and Colours</p>	<p>Support in Part</p> <p>LHL support in part this rule as part of the package of standards relating to building supporting permitted activity status. It is unclear however whether the rule will capture materials that have no applied finishes such as locally sourced stacked stone, untreated wood, unpainted concrete. This concern applies equally to the proposed standards relating to roof and walls colours. In terms of external finishes, this standard should be amended to relate to any material with or without any applied finish so as to capture the spectrum of possible material and colour combinations. Locally sourced stacked stone, such as schist, constructed in any number of ways (dry stacked, bagged, rendered, etc) may depending on light conditions fail to meet the very low reflectance standard of 30% for exterior finishes. The natural variation in this natural materials colour and types of construction techniques make it very hard to determine such a value. However it is a material with a long and historic connection and association with building in Central Otago and regarded as being a material that would contribute to a high quality finish. On that basis, MCL seeks to amend Rule 22.5.1 to ensure both the roof and external surfaces standards capture natural or manufactured materials that are treated or untreated together with an exemption relating to locally sourced stone (e.g. Schist).</p>	<p>Amend Rule 22.5.1 Building Materials and Colours, as follows:</p> <p><i>All buildings, including any structure larger than 5m², new, relocated, altered, reclad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding landscape:</i></p> <p><u>The Exterior colours of all buildings materials (treated, untreated, natural or manufactured, with or without any applied finish) shall be:</u></p> <p>22.5.1.1 <u>All exterior surfaces shall be coloured in the range of black, browns, greens or greys;</u></p> <p>22.5.1.2 <u>Pre-painted steel, and all roofs shall have a reflectance value not greater than 20% for roofs;</u></p> <p>22.5.1.3 <u>Surface finishes shall have a reflectance value of not greater than 30% for all other external surfaces. Except that this rule shall not apply to any locally sourced stone (e.g. schist)</u></p> <p><u>These rules do not apply to any material or surface colours used inside any building.</u></p> <p><i>Discretion is restricted to all of the following:</i></p> <ul style="list-style-type: none"> • <i>Whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties.</i> • <i>Whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building.</i> • <i>The size and height of the building where the subject colours would be applied.</i>

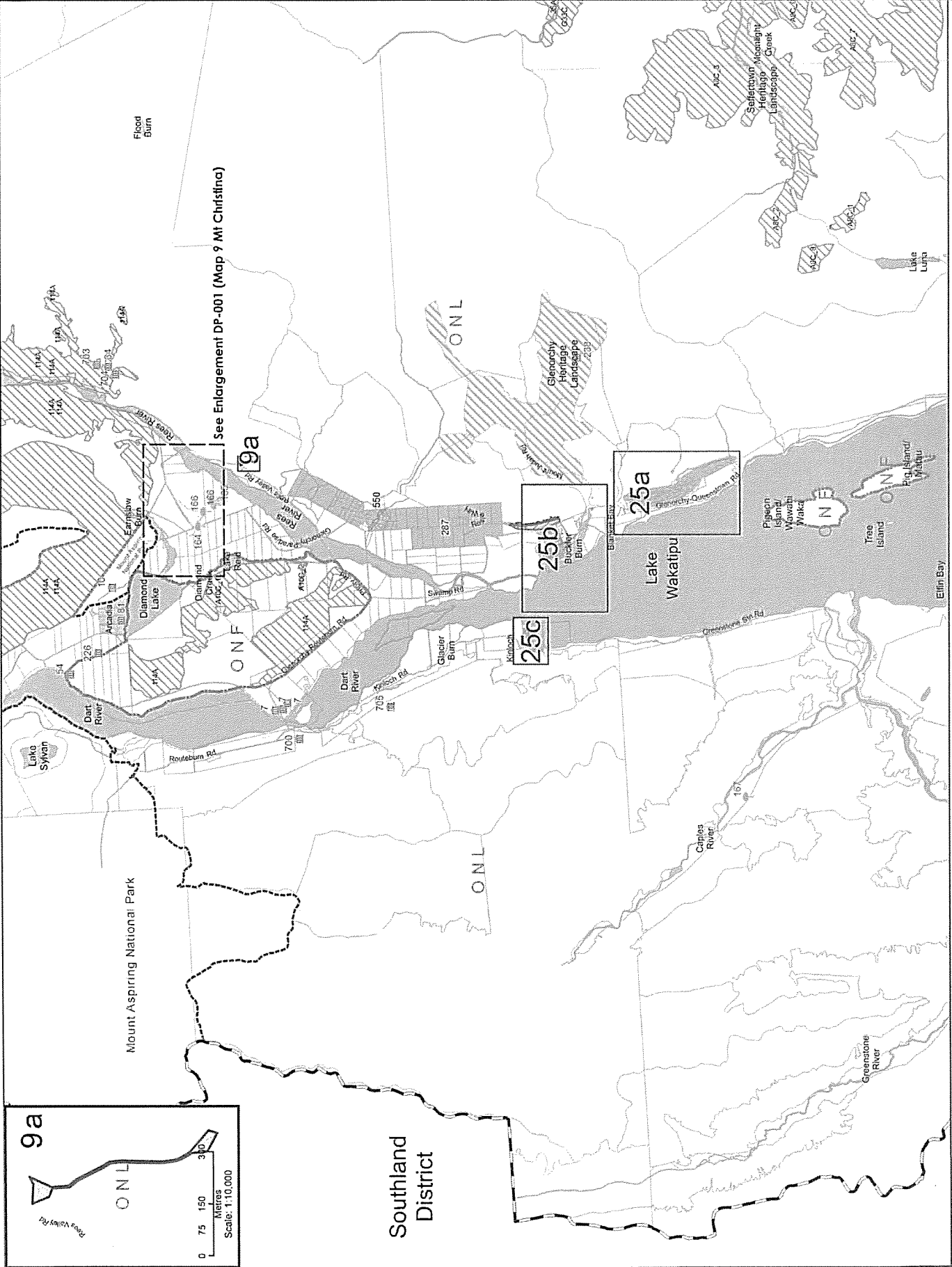
Specific Provision	Submission	Decisions Sought [New text shown <u>underlined</u> bold italics and deleted text shown as <i>italics-strike-through</i>]
Rule 22.5.2 Building Coverage (Rural Residential Zone only)	<p>Support</p> <p>MCL supports the standard imposing a maximum building coverage of 15% as the sole standard relating to maximum building area within a site.</p>	Retain Rule 22.5.2 Building Coverage unchanged
Rule 22.5.3 Building Size	<p>Oppose</p> <p>Within a building coverage limitation of 15% applying to the rural residential zone, MCL oppose the introduction of any additional rule seeking to further limit maximum building size. Assuming a 4,000 m² site (based on the proposed minimum allotment size for subdivision) a 15% maximum building coverage could only permit up to 600 m² of building. There is no further need for controls to be imposed for any single building above 500 m² and up to the maximum building coverage of 600m². The rule adds unnecessary control and is therefore an ineffective and inefficient method of achieving the relevant objectives of the PDP.</p>	Delete Rule 22.5.3 Building Size
Planning Maps		
Planning Map 9 (Glenorchy Rural, Lake Wakatipu)	<p>Support in Part</p> <p>MCL support the identification of the rural residential zoning over its land, but seek to amend its boundaries to better recognise</p>	Amend Planning Map 9 (Glenorchy, Lake Wakatipu), to adjust the boundaries of the rural residential zone on the MCL land, in accordance with the revised zoning plan contained within Appendix 1 to this submission.

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as italic-strike-through]
	topography and the landscape values of the area. The reasons for this relief are detailed in general reasons expressed above.	

Appendix 1
Adjustments to the Mount Christina Rural Residential Zone

Legend

- Historic Heritage Features
- Protected Tree
- Parcel/Road Boundary
- Landscape Classification (ONF, ONL, RLC)
- Roads
- Mount Aspiring National Park
- Territorial Authority Boundary
- Heritage Landscape
- Significant Natural Area
- Unflooded Roads
- Designated Areas
- Building Restriction
- Hydro Generation Zone (Operative)
- Township (Operative)
- Rural
- Rural Residential
- Rural Lifestyle
- Special Zones
- Water





FOR INFORMATION ONLY

DARBY PARTNERS
 Level 2, Stoney Way, Lower Beach Street
 Tel: 043 450 2000 Fax: 03 3 441 1651
 info@darbypartners.co.nz
 www.darbypartners.co.nz

SCALE: 1:1,000 (A1); 1:8,000 (A3)

CONSULTANTS:

NOTES:
 Datum NZGD; Units: Peak-Crestal 1949

REVISION:
 NO DESCRIPTION
 . For information only

DATE DRAWN REVIEWED APPROVED
 21/08/15 JC

DISTRICT PLAN REVIEW
 MAP 9: MT CHRISTINA

PLAN STATUS:
 DRAFT

JOB CODE:
 MC_9

DRAWING NO:
 DP-001

REV: -

'F'

**FURTHER SUBMISSION ON THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN
UNDER CLAUSE EIGHT OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991**

To: Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Submitter: Lake Hayes Cellar Limited, Lake Hayes Limited and Mount Christina Limited
C/- Boffa Miskell Ltd
PO Box 110
CHRISTCHURCH

Attention: Chris Ferguson, Planner
Phone: (03) 353 7568
Mobile: 021 907 773
Email: Chris.Ferguson@boffamiskell.co.nz

Lake Hayes Cellar Limited, Lake Hayes Limited and Mount Christina Limited (collectively referred to as "Lake Hayes") makes further submissions on the Proposed Queenstown Lakes District Plan as set out in the **attached** document.

Lake Hayes confirms it is a person who is representing a relevant aspect of the public interest, and has an interest in the proposal that is greater than the interest the general public has (it is affected by the content of a submission).

Lake Hayes would like to be heard in support of its further submission.

If other persons make a similar further submission then Lake Hayes would consider presenting joint evidence at the time of the hearing.

A copy of this further submission has been served on the original submitters to which this further submission relates.



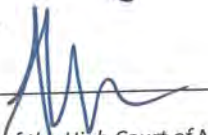
Chris Ferguson

For and behalf of Lake Hayes Cellar Limited, Lake Hayes Limited and Mount Christina Limited

18th day of December 2015

This is the annexure marked " **F** " referred to in the annexed affidavit of *Ian William Bayliss* which was sworn at *Queenstown* this *3* day of *August 2018*

before me

Signature 

A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

Kate M. Andrew
Solicitor
Queenstown

FURTHER SUBMISSIONS

The submission supported or opposed is:	The particular parts of the submissions supported or opposed are:	Support or Oppose	The reasons for support of opposition are:	Decision Sought
<p>NZ Transport Agency (Submitter #719) PO Box 5245 Morey Place DUNEDIN Attn: Tony MacColl</p>	<p>Rule 22.5.5</p>	<p>Oppose</p>	<p>Lake Hayes opposes the relief sought in this submission to increase the road boundary setback within the rural lifestyle and rural residential zones along the State Highway to 20m. This change is arbitrary and unjustified. In the case of the land Owned by Lake Hayes Cellar Ltd the increase setback would significantly impact on the efficient use of the available land use.</p>	<p>We seek that the part of this submission relating to Rule 22.5.5 be disallowed for the reasons expressed in this further submission.</p>
<p>Marc Scaife Submitter #811) PO Box 858 Queenstown</p>	<p>Rule 22.4.13 Informal Airports</p>	<p>Oppose</p>	<p>Lake Hayes opposes the relief sought in this submission to list informal airports as a prohibited activity. The submission provides no justification for this change and is unsupported by fact, evidence of effects or sound resource management principles.</p>	<p>We seek that the part of this submission relating to Rule 22.4.13 be disallowed for the reasons expressed in this further submission</p>
	<p>Rule 22.5.2 Building Coverage (Rural Residential Zone Only)</p>	<p>Oppose</p>	<p>Lakes Hayes opposes a change to the status of any breach of the building coverage rule becoming a non-complying or prohibited activity. The submitter has incorrectly understood the rule as applying to the Rural Lifestyle Zone and a uniform coverage does not apply to the rural lifestyle zone. The requested change does not represent sound resource management advice.</p>	<p>We seek that the part of this submission relating to Rule 22.5.2 be disallowed for the reasons expressed in this further submission</p>
	<p>Rules 22.5.4 (setbacks from internal boundaries), 22.5.4.5 (setback from roads) and 22.5.4.6 (setback of buildings from water bodies)</p>	<p>Oppose</p>	<p>Lakes Hayes opposes changes to the status of any breach of the building setback rules becoming a non-complying or prohibited activity. The requested change does not represent sound resource management advice and would potential constrain the efficient use of land.</p>	<p>We seek that the parts of this submission relating to Rules 22.5.4, 22.5.4.5 and 22.5.4.6 be disallowed for the reasons expressed in this further submission</p>

The submission supported or opposed is:	The particular parts of the submissions supported or opposed are:	Support or Oppose	The reasons for support of opposition are:	Decision Sought
Christine Byrch (Submitter 243) PO Box 858 QUEENSTOWN chrisbyrch@hotmail.com	Objective 22.2.1, Policy 22.2.1.1, Policy 22.2.1.3	Oppose	Lake Hayes opposes the suggested changes to these propositions. The changes to Policy 22.2.1.1 to "avoid visually prominent buildings ..." has a particular legal meaning following the judgement of the Supreme Court in the King Salmon case, which would result in a level of protection inappropriate for the management of this resource. Lake Hayes also disagrees that Policy 22.2.1.3 should be changed to make density provisions inflexible. Lake Hayes considers that this change may prevent achieving high quality design outcomes response to landscape values and topography through rigid adherence to density and it is appropriate to retain some discretion through the policy.	We seek that the parts of this submission relating to Objective 22.2.1, Policy 22.2.1.1, Policy 22.2.1.3 be disallowed for the reasons expressed in this further submission
J M Martin (Submitter #565) C/- Southern Planning Group PO Box 1081 QUEENSTOWN 9348 scott@southernplanning.co.nz	Planning Map 30	Support/Op pose	Lake Hayes supports the wider Rural Lifestyle zoning sought by the submitter but opposes the relief sought in this submission to rezone the site of the Amisfield Bistro and Bar as Rural Lifestyle. The Amisfield land is legally described as Part Lot 1 DP 326378, being 1.6863 hectares in area and contained within Computer Freehold Register 107260. This land is proposed through the submission of Lake Hayes Cellar Limited to be rezoned as rural residential together with the identification of a commercial overlay. Rezoning of this land as rural lifestyle would fail to provide for the sustainable management of this land and is opposed for these reasons.	We seek that the parts of this submission relating to Planning Map 30 over the Amisfield land at Part Lot 1 DP 326378 be disallowed for the reasons expressed in this further submission
Ian James and Susan May Todd (Submitter #680) 68 Hogans Gully Road RD QUEESNTOWN 9371 todd68@xtra.co.nz	Chapter 21 (Rural), Planning Maps	Oppose	Lake Hayes does not oppose the proposed rezoning per se, but opposes any rezoning of the land at 68 Hogans Gully Road to a mix of rural lifestyle and rural visitor which could provide for large scale visitor accommodation without maintenance of open space and visual amenity. Lake Hayes Ltd owns land at 270 Arrowtown Lake Hayes Road, immediately to the west of this submitters land, and is particularly concerned about potential impacts on amenity values. To that extent, Lakes Hayes opposes this submission on the basis that it does not fully investigate the	We seek that the whole of this submission be disallowed for the reasons expressed in this further submission

The submission supported or opposed is:	The particular parts of the submissions supported or opposed are:	Support or Oppose	The reasons for support of opposition are:	Decision Sought
			<p>natural and physical resources of the areas, including topography and landscape values, to determine the capacity to accommodate the proposed growth that would result from this zoning. The rural visitor one in particular would enable a very high intensity of land use and accommodation activities and the submission provides for no consideration of impacts on infrastructure, the amenity values for residents or on the character of the area.</p>	
<p>Forest and Bird NZ (Submitter #706) PO Box 6230 DUNEDIN s.maturin@forestandbird.org.nz</p>	<p>Chapter 22 Rural Lifestyle and Rural Residential, proposed new policy</p>	<p>Support/Oppose</p>	<p>Lake Hayes supports the concept of protecting SNAs, but opposes the addition of a new policy to chapter 22 seeking that any development including subdivision avoid SNA's that are not identified. Lake Hayes considers this approach establishes an uncertain level of protection and should be clarified and incorporated as part of a balance suite of policies including within Chapter 33 Indigenous vegetation and biodiversity.</p>	<p>We seek that the part of this submission relating to the proposed new policy within Chapter 22 be disallowed for the reasons expressed in this further submission</p>
<p>Dalefield Trustee Ltd (Submitter #350) C/- Brown & Company Planning Group Ltd PO Box 1467 QUEENSTOWN office@brownandcompany.co.nz</p>	<p>Rule 22.5.5 Setback From Roads</p>	<p>Oppose</p>	<p>Lakes Hayes opposes the suggested change to this rule to increase the minimum road boundary setback from 10m to 15m. This change is considered to result in a pattern of development inconsistent with existing building within this zone and an inefficient use of the available land resource.</p>	<p>We seek that the part of this submission relating to Rule 22.5.5 be disallowed for the reasons expressed in this further submission</p>
<p>John Borrell (Submitter #367) 35 Mountain View Road RD 1 QUEENSTOWN</p>	<p>Rule 22.5.5 Setback From Roads</p>	<p>Oppose</p>	<p>Lakes Hayes opposes the suggested change to this rule to increase the minimum road boundary setback from 10m to 30m. This change is considered to result in a pattern of development inconsistent with existing building within this zone and an inefficient use of the available land resource.</p>	<p>We seek that the part of this submission relating to Rule 22.5.5 be disallowed for the reasons expressed in this further submission</p>

The submission supported or opposed is:	The particular parts of the submissions supported or opposed are:	Support or Oppose	The reasons for support of opposition are:	Decision Sought
jborrell@ihug.co.nz	Rule 22.5.8 Building height	Oppose	Lake Hayes opposes the suggested change to this rule reducing the maximum permitted building height from 8m to 7m. 8m is considered an appropriate height that is consistent with established building character, acknowledging that the visual impact of buildings within this zone are mitigated by larger distances between boundaries, a greater proportion of open space and associated landscape planting.	We seek that the part of this submission relating to Rule 22.5.8 be disallowed for the reasons expressed in this further submission
	Rule 27.5.1.1 Building Platforms	Oppose	Lake Hayes opposes the suggest change to this rule to limit the size of any building platform created at the time of subdivision to 600m ² . Lake Hayes supports the proposed 1,000m ² maximum building platform size, leaving the discretion for the subdivider/applicant to create smaller platforms if necessary. Lake Hayes considers 1,000m ² an appropriate area to accommodate building within this zone and does not believe it should be distinguished or made smaller than within the rural zone.	We seek that the part of this submission relating to Rule 27.5.1.1 be disallowed for the reasons expressed in this further submission
Anna-Marie Chin Architects and Phil Vautier (Submitter #368) PO Box 253 ARROWTOWN 9351 Anna- marie@amchinarchitects.co.nz	Policy 22.2.1.3	Support/Op pose	Lake Hayes supports the proposal to enable landscape architects and architects assist with design controls/guidelines on proposals administered by residents, but opposes the relief sought by this submitter to modify Policy 22.2.1.3 in a manner that would make "Urban Design Panel" review a mandatory part of any subdivision or development proposal within the rural lifestyle or rural residential zones.	We seek that the part of this submission relating to Policy 22.2.1.3 be disallowed for the reasons expressed in this further submission
NZIA and Architecture + Woman Southern (Submitter #238) nortyat@xtra.co.nz	Policy 22.2.1.3	Support/Op pose	Lake Hayes supports the proposal to enable landscape architects and architects assist with design controls/guidelines on proposals administered by residents, but opposes the relief requested to amend policy 22.2.1.3 to require mandatory urban design panel review for development in the Rural Lifestyle Zone.	We seek that the part of this submission relating to Policy 22.2.1.3 be disallowed for the reasons expressed in this further submission.

The submission supported or opposed is:	The particular parts of the submissions supported or opposed are:	Support or Oppose	The reasons for support of opposition are:	Decision Sought
	Rule 22.4.3.2	Oppose	Lake Hayes opposes the relief requested to change the permitted status of exterior alteration of buildings located outside of building platforms to a discretionary activity. The permitted status provides appropriate flexibility for small scale alterations which would not impact on the important landscape and visual amenity characteristics of the Rural Lifestyle zone.	We seek that the part of this submission relating to Rule 22.4.3.2 be disallowed for the reasons expressed in this further submission

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-

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 **Mt Christina Limited**
Appellant

And **Queenstown Lakes District Council**
Respondent

Notice of Appeal

19 June 2018

Exhibit Note

This is the annexure marked "G" referred to in the annexed affidavit of Jan William Bayliss which was sworn at Queenstown this 3rd day of August 2018

before me

Signature

A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

Kate M. Andrew
Solicitor
Queenstown

Appellant's solicitors:

Maree Baker-Galloway | Rosie Hill
Anderson Lloyd
Level 2, 13 Camp Street, Queenstown 9300
PO Box 201, Queenstown 9348
DX Box ZP95010 Queenstown
p + 64 3 450 0700 | f + 64 3 450 0799
maree.baker-galloway@al.nz | rosie.hill@al.nz

**anderson
lloyd.**

To The Registrar
Environment Court
Christchurch

- 1 Mt Christina Limited (**MCL**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 MCL made a submission (#764) and further submission (#1325) on the PDP.
- 3 MCL is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 MCL 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:
 - (a) Chapter 3 Strategic Direction;
 - (b) Chapter 6 Landscapes;
 - (c) Chapter 22 Rural Residential / Lifestyle;
 - (d) Chapter 27 Subdivision
- 7 Reasons for appeal

Background

- 8 Mount Christina Ltd owns land alongside the Glenorchy - Paradise Road, approximately 440 m south of Lovers Leap Road and 12 km north of Glenorchy Township. Its land has been identified within the Rural Residential and Rural General Zone under the PDP. It has the same zoning under the operative District Plan.
- 9 The MCL submission sought to amend extend the notified Rural Lifestyle zoning over the boundary of the MCL site and provide for site specific provisions within that site recognising the development potential in that area. The submission was successful in seeking a revised rezoning over the Site, however further amendments are required to the PDP provisions to ensure that rural lifestyle development can occur on this site as an efficient and effective use of resources.

Chapter 3 Strategic Direction

- 10 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 MCL interests are affected by Chapter 3.

- 11 Significant changes to content and structure of Chapter 3 have occurred between the notified PDP version and the decisions version. MCL therefore considers that its appeal on this chapter is significantly broad and not limited in scope to original policies and objectives listed.
- 12 Amendments to chapter 3 provisions are sought so as to ensure that appropriate rural living and development can be undertaken in accordance with the underlying provisions applicable to a particular zone. New policies are also sought to recognise the benefits rural living and development. Post *EDS v King Salmon*, there is a risk of incompleteness to a planning instrument where matters are not sufficiently covered and which are otherwise provided for in the Act. The benefits of rural living and associated economic wellbeing, amenity, employment and enjoyment of landscapes are not otherwise provided for within the Strategic Direction Chapter.
- 13 The specific provisions of Chapter 3 and the relief sought by MCL are set out in **Appendix A** to this Appeal.

Chapter 6 Landscapes

- 14 MCL opposes those provisions which provide a presumption that further subdivision and development in the ONL will be generally inappropriate. This is inconsistent with the effects based approach envisaged under the RMA, and with the identification of rural living zones which are within the ONL (such as Mt Christina), the purpose of which is to provide for rural living subdivision.
- 15 Clarification is sought to the application of the ONL category to rural living zones. LHL opposes the inclusion of those zones into the ONL category as this does not provide for the recognition of the importance and benefits of rural living to be carried out in those areas identified as having capacity to absorb such development.
- 16 The specific provisions of Chapter 6 and the relief sought by MCL are set out in **Appendix A** to this Appeal.

Chapter 22 Rural Lifestyle and Rural Residential

- 17 Amendments to visitor accommodation are sought so as to provide for this as a restricted discretionary rather than discretionary activity.
- 18 The specific provisions of Chapter 22 and the relief sought by MCL are set out in **Appendix A** to this Appeal.

Chapter 27 Subdivision and Development

- 19 Subdivision is sought to be a controlled activity and processed non-notified in rural living zones. These zones are specifically recognised for the ability to provide for further rural living and development and therefore a controlled and non-notified activity status is most appropriate to achieve this purpose.
- 20 The specific provisions of Chapter 27 and the relief sought by MCL are set out in **Appendix A** to this Appeal.

Further and consequential relief sought

- 21 MCL opposes any further provisions and seeks alternative, consequential, or necessary additional relief to that set out in this appeal and to give effect to the matters raised generally in this appeal and MCL's PDP submissions.

Attachments

- 22 The following documents are **attached** to this notice:
- (a) **Appendix A** – relief sought
 - (b) **Appendix B** - A copy of the Appellants' submission and further submissions;
 - (c) **Appendix C** - A copy of the relevant parts of the decision; and
 - (d) **Appendix D** - A list of names and addresses of persons to be served with this notice.

Dated this 19th day of June 2018



Maree Baker-Galloway/Rosie Hill
Counsel for the Appellant

Address for service of the Appellants

Anderson Lloyd

Level 2, 13 Camp Street

PO Box 201

Queenstown 9300

Phone: 03 450 0700 Fax: 03 450 0799

Email: maree.baker-galloway@al.nz | rosie.hill@al.nz

Contact persons: Maree Baker-Galloway | Rosie Hill

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

Appendix A - Relief sought

HOW CAN THE PRECINCT GOVERNMENT		PRECINCT OF ORIGIN		RELIEF SOUGHT	
Chapter 3 Strategic Direction					
3.3.24		<p>This policy seeks to control cumulative effects of rural lifestyle development where this results in the area becoming 'no longer rural in character'. Ensure this policy is not applicable to rural living zones or the WB Precinct as this would otherwise undermine the purpose of those zones</p>	<p>Clarify strategic policy 3.3.24 does not apply to rural living zones or the WB Precinct, including the Site.</p>		
3.3.32		<p>Ensure this policy is not applicable to rural living zones or the WB Precinct as this would otherwise undermine the purpose of those zones</p>	<p>Clarify strategic policy 3.3.32 does not apply to rural living zones, or the WB Precinct or otherwise amend the policy to better enable rural living and subdivision.</p>		
New policy 3.3.2x		<p>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 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</p>	<p>3.3.2.xx New Policy – <u>Recognise and provide for the amenity, social, cultural, and economic benefits of rural living development</u></p>		

Provision (PDP decision version)	Reason for appeal	Relief sought
Chapter 6 Landscapes		
Values 6.2	The open character of rural land is a key element of the landscape character that can be vulnerable to degradation from subdivision, development and non-farming activities. The prevalence of large farms and landholdings contributes to the open space and rural working character of the landscape. The predominance of open space over housing and related domestic elements is a strong determinant of the character of the District's rural landscapes.	Amend to <u>recognise that diversification of rural land use beyond historical agricultural use can provide for positive social cultural and environmental benefits.</u> (strategic objective <u>3.2.1.8</u>)
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).	Clarify that landscape categories do not apply to RR, RLZ, Wakatipu Basin Lifestyle Precinct and special zones as those are areas which have been identified as suitable for further development. Clarify whether 'special zones' is useful terminology specifically refer to other resort zones. There is no logical basis for the inclusion of rural living zones, including the Wakatipu Basin Lifestyle Precinct in the RCL overlay as this provides for an unnecessary layer of landscape planning assessment over an area which has been specifically identified as suitable for further rural living subdivision and development	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).
Policies 6.3.19 – 6.3.29 (managing activities in Rural	Clarify that rural living zones are excluded from assessment against	Clarify that rural living zones and the WB Precinct are excluded

Provision (PDP decision version)	Reason for appeal	Relief sought
character Landscapes)	these policies, or otherwise amend to enable rural living development to occur within those rural living zones or the WB Precinct, and in particular, the Site.	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.
Chapter 22 Rural Residential and Rural Lifestyle		
Policy 22.2.1.4	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
Rule 22.4.11 Visitor Accommodation	<p>The Councils decision is to make visitor accommodation a discretionary activity and has not accepted the submissions seeking this to be a RD Activity.</p> <p>Note that stage 2 visitor accommodation only deals with short term stays through the new definitions and rules relating to residential visitor accommodation and homestays. The decisions on Chapter 22 remain relevant for visitor accommodation generally i.e. for stays beyond 90 days.</p>	<p>Amend Rule 22.4.11 to provide for visitor accommodation as a restricted discretionary activity, where Councils discretion is restricted to:</p> <ul style="list-style-type: none"> - <u>Impacts on the amenity values of neighbouring properties</u> - <u>Traffic generation, access and parking</u> - <u>Noise</u> - <u>Signs and lighting</u> <p><u>The external appearance, bulk and scale of building</u></p>
Rule 22.5.12 Residential Density: Rural Lifestyle Zone	There is no justification for the limitation of one unit per building platform, where in most instances building platforms are large	Amend Rule 22.5.12.1 to provide for two residential units per building platform

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>(1000m²) 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</p>	
Chapter 27 Subdivision and Development		
<p>Rule 27.5.8 all subdivision within the RR and RL zones – as a restricted discretionary activity</p>	<p>Wide discretion created within the RL zone relating to the location and size of building platforms, in respect to visibility, landscape and amenity effects. The scope of this discretion is considered to undermine the realisation of yield under the min and average lot sizes, which may not be attainable under this discretion.</p>	<p>Amend Rule 27.5.8 to provide for a controlled activity status in rural living zones</p>
<p>Provision 27.10 – Non-Notification</p>	<p>Subdivision within rural living zones should be non-notified on the basis that those areas are identified as capable of absorbing effects of further rural living subdivision and development</p>	<p>Include rural living zones in 27.10 non-notification of subdivision</p>

FORM 5

SUBMISSION ON PROPOSED DISTRICT PLAN
Clause 6 of Schedule 1, Resource Management Act 1991

To: Queenstown-Lakes District Council

Submitter Details:

Name of submitter:

**Lake Wakatipu Station Limited &
Review Seventeen Limited**

Address for Service:

C/- Vivian + Espie Limited
P O Box 2514
Wakatipu Mail Centre
QUEENSTOWN

Contact: Carey Vivian

Phone: 441 4189

Email: carey@vivianespie.co.nz

1. This is a submission on the Proposed Queenstown Lakes District Plan.
2. Trade Competition

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


3. Omitted

4. The submission addresses the following points and provisions within the Proposed District Plan:

This is the annexure marked " **H** " referred to in the annexed affidavit of Jan William Bayliss which was sworn at Queenstown this 3 day of August 2018

before me

Signature



A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

Kate M. Andrew 11 Page
Solicitor
Queenstown

Planning Map 13 and 15 as it relates to objectives, policies, and rules and associated with zonings and landscape categorisation of Halfway Bay on the western shoreline of the southern arm of Lake Wakatipu.

5. Our submission is:

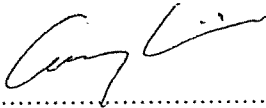
- (i) We are the owners of Halfway Bay on the western shoreline of the southern arm Lake Wakatipu. The property is held in two titles. The property under valuation number 2913103200 is owned by Review 17 Limited and comprises 172 hectares in area. This property is confined to the flat land on the floor of Halfway Bay. The property under valuation number 2913103100 is owned by Lake Wakatipu Station Limited and comprises 14,305 hectares in area extending down to Fairlight (in the Southland District). Both properties are managed as one by Rimanui Farms Limited.
- (ii) We oppose the proposed Rural Zoning of our land on the flat land at Halfway Bay. We submit that an area of this flat land should be zoned to enable diversification (including tourism) of the station, similar to what the Council has enabled with the Rural Visitor Zones located at Cecil Peak and Walter Peak Stations.
- (iii) We understand that changing the zoning from Rural to Rural Visitor excludes that part of the property from the Outstanding Natural Landscape classification. We support that exclusion.
- (iv) We submit that a change in zoning as sought achieves the purpose of the Resource Management Act – the sustainable management of natural and physical resources. The proposed zoning does not.

6. We seek the following decision from the local authority:

- (i) Adopt a Rural Visitor Zone over the flat land at Halfway Bay as shown on the plan attached to this submission.
- (ii) Retain the balance of the Station as Rural zoning within the QLDC boundaries.

7. We wish to be heard in support of our submission.
8. If others make a similar submission, we will consider presenting a joint case with them at a hearing.

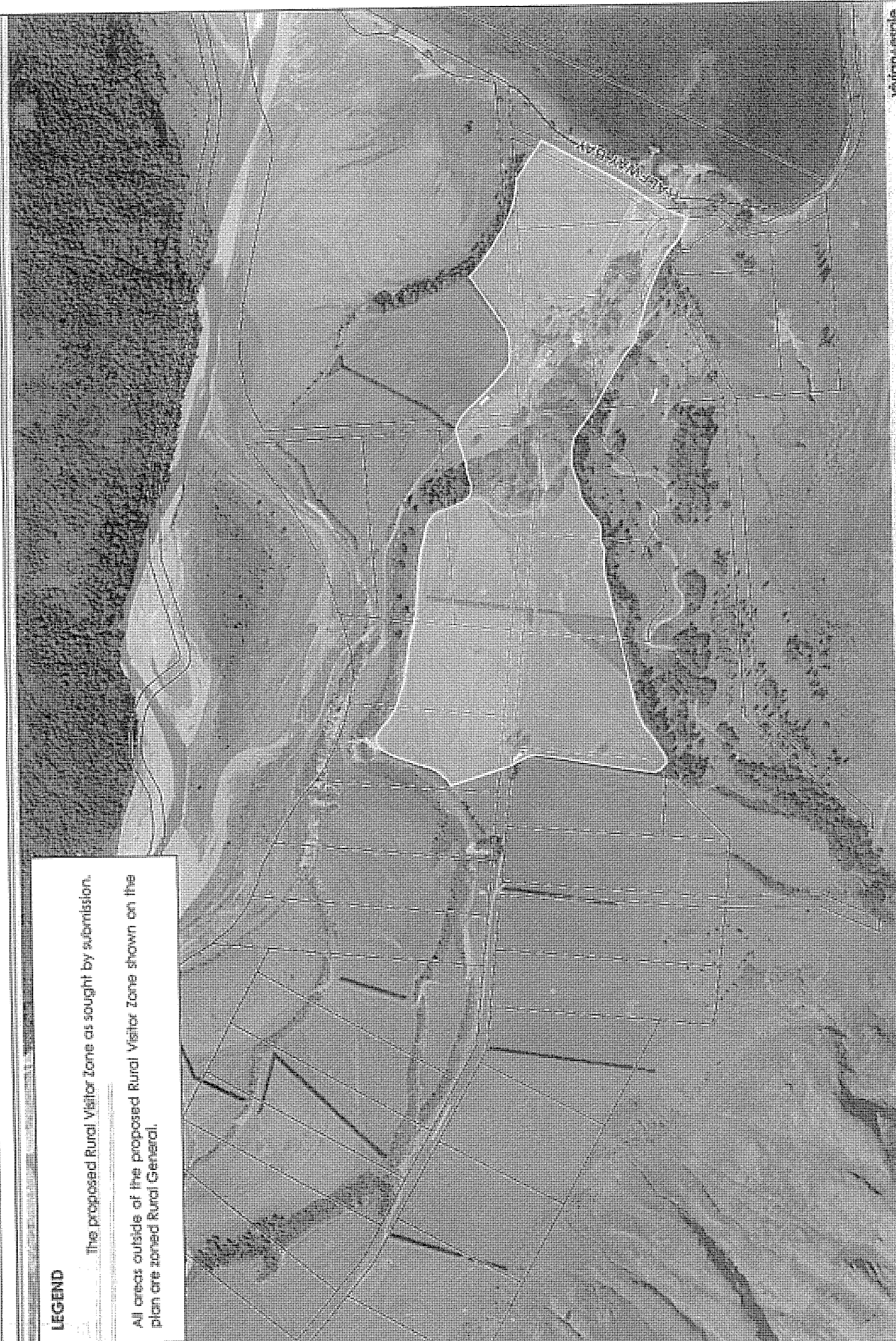
Signature of submitter
(or person authorised to sign
on behalf of submitter)



.....

LEGEND

The proposed Rural Visitor Zone as sought by submission.
All areas outside of the proposed Rural Visitor Zone shown on the plan are zoned Rural General.



Proposed Rural Visitor Zone Plan
Lalke Waiatapu Station Ltd and Review Seventeen Ltd - Halfway Bay, Queenstown

REF: FEB-16001
DATE: 2015.05.05
SCALE: 1:5000



vivian+espie

www.vivian-espie.co.nz
184 Ballantyne Street, Queenstown
03 201 1000

' I '

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2017-CHC-

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 **Halfway Bay Lands Limited**
Appellant

And **Queenstown Lakes District Council**
Respondent

Notice of Appeal

19 June 2018

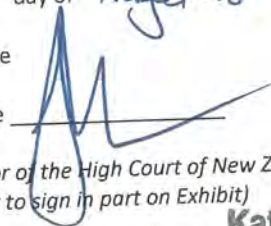
Contact details for the appellant:

Ben Farrell
C/- John Edmonds & Associates
Level 2, 36 Shotover Street, Queenstown 9300
PO Box 95, Queenstown 9348
p + 6421767622
ben@jea.co.nz

Exhibit Note

This is the annexure marked " I " referred to in the annexed affidavit of **Ian William Bayliss** which was sworn at **Queenstown** this **3** day of **August** 2018

before me

Signature 

A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

Kate M. Andrew
Solicitor
Queenstown

To The Registrar
Environment Court
Christchurch

- 1 Halfway Bay Lands Limited (**HBL**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 HBL made a submission (#478) on the PDP.
- 3 HBL is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 HBL received notice of the decision on 7 May 2018 (**Decision**).
- 5 The Decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the Decision appealed relate to Planning Map 13, specifically the decision not to rezone land within Halfway Bay Station Rural Visitor Zone and in particular the recommendations made at paragraphs 17(a) and (b) of the Decision.

Relief Sought

- 7 Amend the Proposed District Plan Map 13 to rezone the area of land identified in Figure 1 below (**Site**) from "Rural General" to "Rural Visitor".
- 8 Adopt the operative Rural Visitor Zone provisions for the land.
- 9 Amend the Strategic Direction objectives and policies in Chapters 3 and 6, if required, to facilitate the introduction of the operative Rural Visitor Zone (and operative provisions) into the structure of the Proposed District Plan.
- 10 Amend the Strategic Direction objectives and policies in Chapters 3 and 6 to recognise and provide for the significant benefits of tourism and associated industry in the Strategic Direction/higher order provisions.

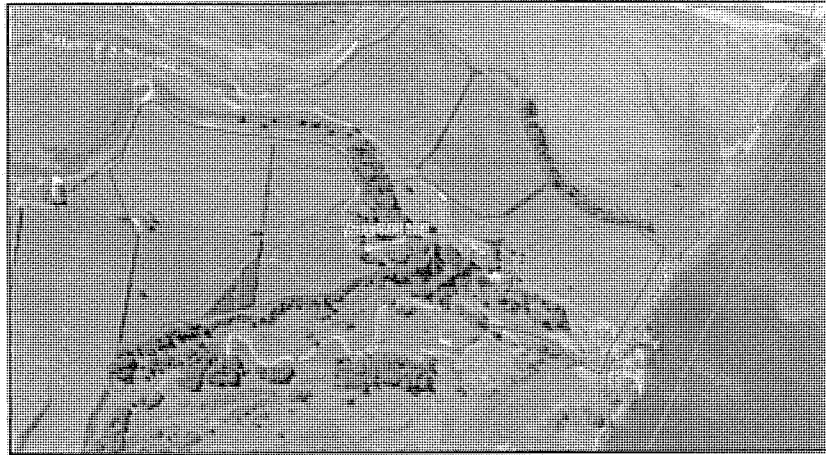


Figure 1 Area of land (in red) sought to be rezoned from Rural General to Rural Visitor

Reasons

- 11 Rezoning the land to Rural Visitor is more appropriate than retaining the Rural General Zoning. The proposed Rural Zone provisions do not satisfactorily provide for the efficient or effective management of the subject land. Chapter 21, coupled with the higher order provisions in Chapters 3 and 6 contain various provisions which discourage and unreasonably restrict land use change. Without the rezoning or significant amendment to the provisions, the appellant faces considerable and unnecessary costs and risks associated with the resource consent process that will be required to facilitate more efficient land uses associated with the visitor industry.
- 12 The appellant has engaged a suite of independent experts to confirm the suitability of the land for diversification into visitor related activities including visitor accommodation. The rezoning will facilitate diversification of the land from agricultural to visitor/tourism related activities without creating significant adverse effects on the environment. Rezoning the land will incentivise innovative and appropriate tourism opportunities. In addition rezoning the land will allow more efficient and effective land use management, and will more appropriately support the sustainable management of the subject resources compared to retention of the Rural Zone.

Alternative Relief

- 13 HBL sought extensions to the existing Rural Visitor Zoning at Halfway Bay Station, including confirmation of that zoning through Stage 1 of the PDP. HBL acknowledges that the Rural Visitor Zone is yet to be reviewed as part of stage 3 of the PDP, however as per the Hearing Panel's directions in respect of Stage 1 hearings, a submitter has the ability to seek any zoning / provisions applicable to their land which is notified as part of the Review through submissions. To this end, HBL acknowledges that there may be further amendments to the current Rural Visitor Zone provisions which will have an impact on the Site.

- 14 HBL therefore seeks:
- (a) Any consequential, alternative or other amendments necessary to the Rural Visitor Zone prior to its review through Stage 3 of the PDP and which will better achieve the PDP scheme and purpose, and / or site specific issues; or
 - (b) That the area of land as indicated in Figure 1 be rezoned an interim zoning, which provides for a similar outcome to that achieved through a Rural Visitor Zone, for example one of the notified residential zones; or
 - (c) That the Council confirm it will re-notify the Site as part of any Stage 3 Rural Visitor Zone review, so as to enable HBL to pursue that relief through another stage of the district plan review.
- 15 HBL considers it is not reasonable to make landowners wait until a future stage of the PDP review in order to seek relief in respect of their land which is available for rezoning now. The delay of a review of the Rural Visitor Zones is also an inefficient and ad-hoc planning exercise.

Further and consequential relief

- 16 HBL opposes any further provisions and seeks alternative, consequential, or necessary additional relief to that set out in this appeal and to give effect to the matters raised generally in this appeal and HBL's PDP submissions.
- 17 HBL also reserves its right to seek costs in respect of the resolution of its appeal.

Attachments

- 18 The following documents are **attached** to this notice:
- a) **Appendix A** - A copy of the Appellants' submission;
 - b) **Appendix B** - A copy of the relevant parts of the Decision; and
 - c) **Appendix C** - A list of names and addresses of persons to be served with this notice.

Dated this 19th day of June 2018



Ben Farrell

Planning Consultant for Halfway Bay Lands Limited

Address for service of the Appellants

Ben Farrell

C/- John Edmonds and Associates

Level 2, 36 Shotover Street

PO Box 95

Queenstown 9300

Phone: 021 767622

Email: ben@jea.co.nz

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.

'J'

Submission on the Proposed Queenstown Lakes District Plan 2015 (Stage 1)
Pursuant to Clause 6 of Schedule 1, Resource Management Act 1991

To: Queenstown Lakes District Council

Address: Sent via email to: services@qldc.govt.nz;
Matthew.Paetz@qldc.govt.nz; Blair.Devlin@qldc.govt.nz

Name of submitter: Slopehill Properties Limited

Trade Competition: The submitter cannot gain an advantage in trade competition through this submission.

Submission and decisions sought: The specific proposed district plan provisions this submission relates to, and the decisions sought, are as set out in the attached table.

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

Address for Service: Slopehill Properties Limited
C/- John Edmonds + Associates Ltd
Email: reception@jea.co.nz
Phone: 03 450 0009

Date: 24 November 2015

Exhibit Note

This is the annexure marked "J" referred to in the annexed affidavit of Ian William Bayliss which was sworn at Queenstown this 3 day of August 2018

before me

Signature

A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

Kate M. Andrew
Solicitor
Queenstown

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline</u> strikeout)	Reasons
1	All provisions	Alternative, amended, or such other relief deemed more consistent with or better able to give effect to these submissions or the provisions referred to by these submissions.	
2	All provisions	Retain all provisions not otherwise submitted upon in this submission as notified unless they duplicate other provisions in which case they should be deleted.	
3	Plan Zoning	<p>Rezoned all "Rural General" zoned land accessed from Slopehill Road and not contained within an ONF to "Rural Lifestyle"</p> <p>And/or</p> <p>Rezoned all "Rural General" zoned land accessed from Slopehill Road that is not contained within an ONF and does not display a high level of rural character to "Rural Lifestyle"</p> <p>And/or</p> <p>Rezoned all "Rural General" zoned land accessed from Slopehill not contained within an ONF and where pastoral farming is no longer a viable activity to "Rural Lifestyle"</p> <p>And/or</p> <p>Rezoned LOTS 2 & 3 DP 407786 from "Rural General" to "Rural Lifestyle".</p>	The proposed rezoning is considered to be the most appropriate in terms of achieving sustainable management of rural zoned land accessed by Slopehill Road that is not contained within an ONF.
4	New strategic objective	<p>Insert new objective or policy to enable residential units to be constructed outside, and in addition to, approved residential building platforms where the primary use of the increased density is to accommodate family.</p> <p>Suggested wording is: <u>Provide for increased residential density, including residential units outside approved building platforms in rural areas, that enables family members to live together on the same site or near each other.</u></p>	To achieve the purpose of the Act it is considered entirely appropriate to ensure increased housing density is provided for when it is intended to be used primarily for the purpose of enabling families to live together on the same site or otherwise near each other.

'K'

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2017-CHC-

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 Slopehill Properties Limited

Appellant

And Queenstown Lakes District Council

Respondent

Notice of Appeal

19 June 2018

Appellant's contact details:

Ben Farrell
C/- John Edmonds & Associates
Level 2, 36 Shotover Street, Queenstown 9300
PO Box 95, Queenstown 9348
p + 6421767622
ben@jea.co.nz

Exhibit Note

This is the annexure marked "K" referred to in the annexed affidavit of Jan William Bayliss which was sworn at Queenstown this 3rd day of August 2018

before me

Signature

A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

Kate M. Andrew
Solicitor
Queenstown

To The Registrar
Environment Court
Christchurch

- 1 **Slopehill Properties** appeal against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (PDP).
- 2 Slopehill Properties made a submission (#854) on the PDP.
- 3 Slopehill Properties is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (RMA).
- 4 Slopehill Properties 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:
 - a) Chapter 3 Strategic Direction;
 - b) Chapter 6 Landscapes;
 - c) Chapter 21 Rural;
 - d) Chapter 27 Subdivision;

Relief sought

- 7 Slopehill Properties request that parts of the PDP be amended, as listed in **Appendix A**.

Further relief

- 8 Slopehill Properties opposes any further provisions and seeks alternative, consequential, or necessary additional relief to that set out in this appeal and to give effect to the matters raised generally in this appeal and Slopehill Properties PDP submissions.
- 9 Slopehill Properties also reserves its right to seek costs in respect of the resolution of its appeal.

Background and reasons for the appeal

- 10 Slopehill Properties owns Lots 2 & 3 DP 407786, consisting around 8 Ha on the northern side of Slopehill Road. The director of Slopehill Properties, Mr Philip Dunstan, has provided significant investment into the land over the past 20 years including construction of wetlands and substantial indigenous biodiversity restoration. The grounds are extremely well maintained and the site in general enhances rural qualities and amenity values of Slopehill Road.

- 11 Two building platforms are provided on the land, which Mr Dunstan has set aside for his children. In 2015 Mr Dunstan applied for resource consent to construct a small cottage (granny flat) on the property so that he could stay on the property and spend more time with his children (and grandchildren). Even though the proposal was supported by the two landscape experts involved in the resource consent application process QLDC refused the application because of adverse effects (“over-domestication”) on the existing rural character. This outcome, coupled with the costs associated with the resource consent process, is not appropriate for the Slopehill Road environs which has a strong rural living character and which can absorb more rural living development without creating inappropriate adverse effects on the environment.
- 12 Slopehill Properties made submissions on both Stage 1 and Stage 2 of the District Plan Review.
- 13 Slopehill Properties seek the relief set out in **Appendix A**, because:
 - (a) It supports the provision of more rural living opportunities in the Wakatipu Basin. In particular its property (and the immediately surrounding area) is suitable for more rural living development. However, the strategic provisions do not adequately recognise and provide for the benefits of rural living opportunities.
 - (b) It is not necessary or appropriate to “protect” the particular landscape values associated with landscapes which are not afforded “protection” under s.6 of the RMA. Rather, it is more appropriate for the district plan to seek to “maintain and enhance” the particular landscape and amenity values.
 - (c) There should be policy support in the district plan to enable carefully designed additional (ancillary) residential units to be constructed on a site in addition to primary dwellings, to encourage use by family members and to enable families to stay on the same site together.
 - (d) It is appropriate that the district plan lends more weight to the benefits of rural living opportunities, particularly where investment from rural living enhances environmental quality or nature conservation values.

Attachments

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

- a) **Appendix A** – Specific relief sought
- b) **Appendix B** - A copy of the Appellants' submission and further submissions;
- c) **Appendix C** - A copy of the relevant parts of the decision; and
- d) **Appendix D** - A list of names and addresses of persons to be served with this notice.

Dated this 19th day of June 2018



Ben Farrell
Planning Consultant for the Appellant

Address for service of the Appellants

Ben Farrell
C/- John Edmonds and Associates
Level 2, 36 Shotover Street
PO Box 95
Queenstown 9300
Phone: 021 767622
Email: ben@jea.co.nz

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.

Appendix A – Specific Relief Sought

Provision (PDP decision version)	Reason for appeal	Relief sought
Chapter 3 Strategic Direction		
<p>Strategic objective (S.O) 3.2.5.2</p> <p>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.</p>	<p>To achieve the purpose of the Act it is considered entirely appropriate to ensure increased housing density is provided for when it is intended to be used primarily for the purpose of enabling families to live together on the same site or otherwise near each other</p> <p>The objective should be amended to ensure appropriate development in rural landscapes are enabled</p>	<p>Insert new objective or policy to enable residential units to be constructed outside, and in addition to, approved residential building platforms where the primary use of the increased density is to accommodate family. Suggested wording is:</p> <p><i>"Provide for increased residential density, including residential units outside approved building platforms in rural areas, that enables family members to live together on the same site or near each other"</i></p> <p>Amend strategic objective 3.2.5.2 as follows:</p> <p>3.2.5.2 The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by <u>managing</u> directing new subdivision, use or development or <u>directing new subdivision, use or development</u> to occur in those areas that have the potential to absorb change without materially detracting from those values.</p>
<p>Strategic policy 3.3.32</p> <p>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)</p>	<p>The policy will inhibit appropriate development</p>	<p>3.3.32 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)</p>
<p>New Strategic Objectives and Policies</p>	<p>Without providing specific wording it is considered appropriate for the strategic provisions to be amended, or new provisions introduced, to ensure that rural living opportunities are provided for</p>	<p>Amend the objectives and policies in Chapter 3 or introduce new objectives and policy to:</p>

Appendix A – Specific Relief Sought

Provision (PDP-decision version)	Reason for appeal	Relief sought
	<p>outside Outstanding Natural Landscapes and Features (ONLF)s.</p>	<ul style="list-style-type: none"> i. Enables appropriate, non-urban, residential activity in rural areas ii. Encourages subdivision, use or development to occur in those areas which have potential to absorb change iii. Clarify that subdivision, use and development of the rural environment outside ONLFs should occur in a way that maintains or enhances amenity values and landscape quality – not “protect” significant amenity values. iv. Recognise that the Rural Landscape is a resource with significant economic and social value. v. Recognise that different parts of the Rural Landscape have different characteristics, different amenity values and variable ability to absorb further development. vi. Enable subdivision and development which avoids, remedies or mitigates adverse effects on the visual amenity values of the surrounding Rural Landscape. vii. Mitigate adverse effects from subdivision and development that are: 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); and Visible from public formed roads. viii. Encourage landscaping to promote ecological

Appendix A – Specific Relief Sought

Provision (PDP decision version)	Reason for appeal	Relief sought
		restoration and conservation; or be consistent with the established character of the area; and provide for planting and screening to help reduce visual effects of domestication.

**SUBMISSION ON THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991**

To: Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Submitter: Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited

C/- Boffa Miskell Ltd
PO Box 110
CHRISTCHURCH

Attention: Chris Ferguson, Planner
Phone: (03) 353 7568
Mobile: 021 907 773
Email: Chris.Ferguson@boffamiskell.co.nz

Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited ("Jacks Point") makes the submissions on the Proposed Queenstown Lakes District Plan ("PDP") set out in the **attached** document, including on behalf of their related or associated developer and owner entities with interests in Jacks Point.

Jacks Point confirms its submission does not relate to trade competition or the effects of trade competition.

Jacks Point would like to be heard in support of its submission.

If other persons make a similar submission then Jacks Point would consider presenting joint evidence at the time of the hearing.



Chris Ferguson

For and behalf of Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited, including on behalf of their related or associated developer and owner entities with interests in Jacks Point.

23rd day of October 2015

This is the annexure marked " L " referred to in the annexed affidavit of *Ian William Bayliss* which was sworn at *Queenstown* this *3* day of *August* 2018

before me

Signature

[Handwritten Signature]
A solicitor of the High Court of New Zealand

Kate M. Andrew
Solicitor
Queenstown

OUTLINE OF SUBMISSION

This submission has been structured under the following headings:

Section A: Overview

Section B: Reasons for, and Matters Raised, in the submission

Section C: Specific Submissions to the Proposed Queenstown Lakes District Plan

SECTION A: OVERVIEW

1. Jacks Point are owners, developers and proponents of the masterplanned community in the area known as the Jacks Point Resort Zone under the operative District Plan. That zone forms three distinct components: Jacks Point, Henley Downs and Homestead Bay, which are part of the wider Coneburn Area.
2. Since its creation, development within the zone has been mostly restricted to the land located within the Jacks Point part of the Zone. This has included establishing several residential neighbourhoods, the Golf Course, Club House and investing significantly in the formation of vehicle access, water supply, wastewater treatment and stormwater infrastructure. In addition the emerging settlement includes large areas of open space that have been established to provide areas of private amenity, native vegetation enhancement, public trails and landscape protection.
3. Further changes are planned for the Henley Down land, promoted through private plan change 44. PC 44 proposes to increase the diversity and density of housing choice, provide for new areas of low density and rural residential development and the establishment of an area for education and innovation, along with a new primary road connection onto State Highway 6 at Woolshed Road.
4. Jacks Point has worked together with the Council on the formulation of a new Jacks Point Zone, including the design of a single structure plan for the wider Jacks Point area, drafting new and updated provisions, section 32 reports, specialist landscape reports, consultation and other background investigations.
5. This submission to the PDP is in general support of the Jacks Point Zone, the single structure plan and related provisions that seek to support an integrated settlement at Jacks Point.
6. In addition this submission seeks to make a small number of minor amendments to the structure plan and related provisions. The nature of these are detailed in the attached table.

SECTION B: REASONS FOR, AND MATTERS RAISED IN, SUBMISSION

Overview of relief sought

7. This submission does not seek to address any of the higher order provisions of the PDP or any of the district wide chapters, including Chapter 3 Strategic Directions, Chapter 6 Landscapes or Chapter 27 Subdivision. Submissions on these chapters are being advanced through the separate submission lodged by Darby Planning LP, an entity related to Jacks Point.
8. A number of small changes are sought to the objectives, policies and rules of Chapter 41 Jacks Point Zone and Chapter 27 Subdivision. These changes are proposed in order to improve the effectiveness and efficiency of the methods in achieving the relevant objectives of the plan and to also address internal inconsistencies.

9. The specific changes sought to the PDP provisions are detailed within Section C of this submission.
10. Jacks Point seeks amendments to the plan provisions to achieve the following objectives:
 - (a) To amend the default status of subdivision undertaken within the Jacks Point Zone, which complies within the relevant standards and location specific provisions, to be controlled.
 - (b) To amend the structure plan to refine the areas of particular activity areas in a manner that better reflects established land use activities, topography and landscape and amenity values.
 - (c) To make a number of minor corrections, edits, deletions or insertions as necessary to clarify the status of activities, cross references to related rules or intended meaning.
 - (d) To provide a consistent approach to methods developed for the management of access to the State Highway under Plan Change 44.
11. Jacks Point supports the following general changes proposed within the Jacks Point Zone:
 - (a) The formulation of a single structure plan to provide an integrated basis for the spatial layout of development across the wider Coneburn area together with the removal of the requirement to prepare and implement Outline Development Plans.
 - (b) The addition of new and amended activity areas on the structure plan, including the Education Innovation Campus and Education Activity Areas, the new residential activities areas, the areas of farm preserve and conservation lots.
 - (c) The additional and redrafted objective and policies for the zone seeking to provide greater clarity on the outcomes expected from the Zone and the measures to integrate management of its natural and physical resources.
 - (d) The removal of controlled activity status across all building and introduction of new rules controlling the bulk and location of buildings.
 - (e) The introduction of a new density rule controlling average density within the residential activity areas, to provide greater certainty and as a replacement to the density master plan and outline development plan.

Subdivision

12. Whilst the district wide submission by Darby Planning LP addresses the subdivision chapter generally, Jacks Point seeks to specially address status of subdivision within the Jacks Point Zone as this departs from the default discretionary activity status adopted by the PDP.
13. The status of subdivision within the Jacks Point Zone defaults to a restricted discretionary activity under Rule 27.4.3 because subdivision needs to be undertaken in accordance with a structure plan or spatial layout plan identified in the District Plan.
14. Under the operative District Plan, the default status for subdivision is controlled, provided relevant standards are met. Jacks Point submits that the default status for subdivision within the Jacks Point Zone should remain as controlled and not restricted discretionary, as proposed.
15. The general reasons for seeking this relief, are as follows:
 - (a) There has been no demonstrable need for a change from the status quo. The Council's section 32 has failed to establish the resource management issue that requires an elevation in status to restricted discretionary.

- (b) Controlled activity status certainty for landowners, residents, developers and purchasers that resource consent will be granted, subject to the achieving appropriate standards of design, servicing, access, etc.
 - (c) The existing structure provides additional site and zone standards that elevate status to restricted discretionary and non-complying (respectively) for any particular aspect of subdivision activities failing to meet those standards. This framework of listed activities with tiers of standards is an effective and efficient framework providing targeted assessment of the relevant issues.
 - (d) In addition, the proposed subdivision provision have failed to provide for minor forms of subdivision, including boundary adjustment have been also removed from the subdivision chapter and this creates further uncertainty over proposal with typically very little to no adverse effects on the environment.
16. For these reasons, Jacks Point seeks to have the provisions of the subdivision chapter withdrawn and replaced with the operative plan provisions from Chapter 15.
 17. Alternatively, Jacks Point seeks to modify the rules contained within Chapter 27 Subdivision and Development of the PDP to modify Rule 27.4.1 in the manner described within Section C, so that the status of subdivision which complies with the relevant standards is a controlled activity, rather than discretionary (unrestricted).
 18. Controlled activity status for subdivision together with appropriate standards relating to lot sizes and servicing infrastructure is considered this the most appropriate method to implement the objectives of the PDP having regard to their effectiveness and efficiency.

Structure Plan changes

19. Two minor changes are proposed to the Structure Plan. These changes are to modify the boundaries of Activity Area R(JP)-2A and V(JP). For the Village, the boundary of the Activity Area has been modified to better line up with land tenure and for Activity Area R(JP)-2A the boundary of this pod has been amended to better relate to the adjoining R(HD)-E Activity Area.

Further and Consequential Relief

20. Jacks Point seeks to make any similar, alternative and/or consequential relief that may be necessary or appropriate to address the matters raised in this submission or the specific relief requested in this submission.

SECTION C: SPECIFIC SUBMISSIONS TO THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined</u> bold italics and deleted text shown as <i>italic-strike-through</i>]
Chapter 27 Subdivision		
<p>Rule 27.4.2 a The following shall be non-complying activities</p>	<p>Support in part</p> <p>Jacks Point generally supports Rule 27.4.2 a, where it exempts Jacks Point from the default position of non-complying activity status. An addition is sought to insert restricted discretionary activities to more correctly reflect the status of the location specific rules 27.8.9.1 and 27.8.9.2 which trigger discretionary and restricted discretionary activates status respectively.</p>	<p>Amend Rule 27.4.2, as follows:</p> <p>The following shall be non-complying activities:</p> <p>a Subdivision that does not comply with the standards in Part 27.5 and location specific standards in part 27.8. Except within the following zone where any non-compliance shall be a <u>restricted discretionary or discretionary activity</u>.</p> <ul style="list-style-type: none"> • Jacks Point Zone
<p>Rule 27.4.1 All subdivision activities are discretionary activities, except other stated</p>	<p>Oppose</p> <p>Rule 27.4.1 is opposed for the general reasons expressed above. Changes are sought to this rule to ensure subdivision that complies with the relevant standards remains as a controlled activity.</p>	<p>Amend Rule 27.4.1, as follows:</p> <p>All subdivision activities are discretionary <u>controlled</u> activities, except <u>as otherwise stated</u>:</p> <p><u>Council's control is limited to:</u></p> <ul style="list-style-type: none"> • <u>Lot sizes, averages and dimensions</u> • <u>Subdivision design</u> • <u>Property access</u> • <u>Esplanade provision</u> • <u>Natural hazards</u> • <u>Fire fighting water supply</u> • <u>Water supply</u> • <u>Stormwater disposal</u> • <u>Sewage treatment and disposal</u> • <u>Energy supply and telecommunications</u>

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined</u> bold italics and deleted text shown as italic-strike-through]															
		<ul style="list-style-type: none"> • <u>Open space and recreation</u> • <u>Easements</u> • <u>The nature, scale and adequacy of environmental protection measures associated with earthworks</u> 															
New Rule 27.5.5 Boundary Adjustments	A new rule is sought to be inserted to enable boundary adjustments to be undertaken as a controlled activity. Boundary adjustments within the Jacks Point Zone is an effective and efficient way to retain a separate rule to enable this form of subdivision.	<p>Insert new Rule 27.5.5 Boundary adjustments, as follows:</p> <p><u>Where there are two or more existing lots which have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:</u></p> <p><u>(i) the building platform is retained.</u></p> <p><u>(ii) no additional, separately saleable lots are created.</u></p> <p><u>(iii) the areas of the resultant lots comply with the minimum lot size requirement for the zone.</u></p>															
Rule 27.5.1 Lot Size table	<p>Support in Part</p> <p>Jacks Point generally supports Rule 27.5.1 and the Lot Size table as it relates to the Jacks Point Zone. A minor correction is sought to clarify that it is "all other activity areas" which are required to comply with the average density requirements set out in Rule 41.5.8.</p>	<p>Amend Rule 27.5.1 Lot Size Table for the Jacks Point Zone, as follows:</p> <table border="1" data-bbox="1011 69 1374 896"> <thead> <tr> <th data-bbox="1011 748 1066 896">Zone</th> <th data-bbox="1011 423 1066 748"></th> <th data-bbox="1011 69 1066 423">Minimum Lot Area</th> </tr> </thead> <tbody> <tr> <td data-bbox="1066 748 1107 896">Jacks Point</td> <td data-bbox="1066 423 1107 748">Residential Activity Areas</td> <td data-bbox="1066 69 1107 423">380m²</td> </tr> <tr> <td></td> <td data-bbox="1107 423 1149 748">FP-1 Activity Area</td> <td data-bbox="1107 69 1149 423">4000m²</td> </tr> <tr> <td></td> <td data-bbox="1149 423 1190 748">Average</td> <td data-bbox="1149 69 1190 423">Average 2ha</td> </tr> <tr> <td></td> <td data-bbox="1190 423 1374 748">FP-2 Activity Area</td> <td data-bbox="1190 69 1374 423">2 hectares</td> </tr> </tbody> </table>	Zone		Minimum Lot Area	Jacks Point	Residential Activity Areas	380m ²		FP-1 Activity Area	4000m ²		Average	Average 2ha		FP-2 Activity Area	2 hectares
Zone		Minimum Lot Area															
Jacks Point	Residential Activity Areas	380m ²															
	FP-1 Activity Area	4000m ²															
	Average	Average 2ha															
	FP-2 Activity Area	2 hectares															

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined</u> bold italics and deleted text shown as italic-strike-through]	
			<p>Average 40ha</p> <p><i>Subdivision shall comply with the average density requirements set out in Rule 41.5.8.</i></p>
<p>27.7 Location Specific objectives, policies and provisions</p> <p>27.7.14 Jacks Point</p>	<p>Support in Part</p> <p>Jacks Point generally supports the location specific provisions identified within and following from Objective 27.7.14. However, to assist in understanding the structure of the provisions and the matters of discretion of subdivision, a heading should be inserted after Policy 27.7.14.1 stating "Matters of Discretion for subdivision within the Jacks Point Zone".</p>	<p>1. Insert a heading below Policy 27.7.14.1, as follows:</p> <p><u>27.14.2 Matters of discretion for subdivision within the Jacks Point Zone</u></p> <p>2. Renumber subsequent rules and provisions; and</p>	
<p>Rule 27.7.14.3 R(HD) Activity Areas, matters of discretion</p>	<p>Support in Part</p> <p>Rule 27.7.14.3 is generally supported, however Jacks Point requests it be amended to refer to provision 27.7.14.2 stated within the parenthesis on the first line. Provisions 27.7.14.2 are the general matters of discretion for subdivision within the Jacks Point Zone.</p>	<p>Amend Rule 27.7.14.3, as follows:</p> <p><i>In addition to above (provisions 27.7.14.4-12) within the R(HD) Activity Areas</i></p>	
<p>Rule 27.8.9.2 Jacks Point Zone Conservation Lots</p>	<p>Support in Part</p> <p>Jacks Point supports Rule 27.8.9.2 as it provides for conservation lot subdivision within Activity Area FP-1. Two minor corrections are sought to clarify restricted</p>	<p>Amend Rule 27.8.9.2, as follows:</p> <p><i>Jacks Point Zone Conservation Lots - Subdivision failing to comply with this rule shall be a restricted discretionary activity.</i></p>	

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined</u> bold italics and deleted text shown as <i>italics-through</i>]																									
	<p>discretionary activity status as being triggered in relation to “this” rule. A further amendment is also sought to delete “all of the following” from the restrictions on discretion. Jacks Point considers that the additional text could act to potentially undermine the value in restricting discretion.</p>	<p>...</p> <p><i>Discretion is restricted to all of the following:</i></p> <ul style="list-style-type: none"> • <i>The visibility of future development from State Highway 6 and Lake Wakatipu.</i> • <i>Traffic, access.</i> • <i>Maintenance or enhancement of nature conservation values.</i> • <i>Creation of open space and infrastructure.</i> 																									
<p>Chapter 36 Noise</p>																											
<p>Rule 36.5.3 (Table 2)</p>	<p>Support in Part</p> <p>The proposed noise provisions for Jacks Point apply a single standard across all activities areas. It is submitted that within areas such as the Jacks Point Village, the nature of the visitor accommodation, restaurants and cafes could be unduly restricted by a night time standard of 8:00pm.</p> <p>Sound within the Village and EIC Activity Areas are sought to be subject of separate assessment and standards, reflecting the nature of the anticipated environment. An amendment is sought to exempt sound from within the these two activity areas with the creation of a new and more appropriate standard for the commercial</p>	<p>Amend Rule 36.5.3</p> <table border="1" data-bbox="874 73 1169 976"> <thead> <tr> <th data-bbox="874 875 1010 976">Table 2</th> <th colspan="3" data-bbox="874 618 1010 875">General Standards</th> <th data-bbox="874 230 1010 618">Non-compliance Status</th> </tr> <tr> <th data-bbox="1010 875 1169 976">36.5.3</th> <th data-bbox="1010 618 1169 875">Activity or sound source</th> <th data-bbox="1010 230 1169 618">Assessment location</th> <th data-bbox="1010 230 1169 230">Time</th> <th data-bbox="1010 230 1169 230">Noise Limits</th> </tr> </thead> <tbody> <tr> <td data-bbox="1169 875 1350 976"></td> <td data-bbox="1169 618 1350 875"> ... Jacks Point Resort Zone, <u>except within the Jacks Point Village and EIC Activity Areas</u> (see also 36.5.17) </td> <td data-bbox="1169 230 1350 618"> At any point within the Residences/ Residential Activity Areas </td> <td data-bbox="1169 230 1350 230"> 0800h to 2000h 2000h to 0800h </td> <td data-bbox="1169 230 1350 230"> 50 dB L <small>A_{eq}(15 min)</small> 40 dB L <small>A_{eq}(15 min)</small> 75 dB L <small>A_{Fmax}</small> </td> </tr> <tr> <td data-bbox="1350 875 1350 976"></td> <td data-bbox="1350 618 1350 875"></td> <td data-bbox="1350 230 1350 618"></td> <td data-bbox="1350 230 1350 230"></td> <td data-bbox="1350 230 1350 230">NC</td> </tr> <tr> <td data-bbox="1350 875 1350 976"></td> <td data-bbox="1350 618 1350 875"></td> <td data-bbox="1350 230 1350 618"></td> <td data-bbox="1350 230 1350 230"></td> <td data-bbox="1350 230 1350 230">NC</td> </tr> </tbody> </table>	Table 2	General Standards			Non-compliance Status	36.5.3	Activity or sound source	Assessment location	Time	Noise Limits		... Jacks Point Resort Zone, <u>except within the Jacks Point Village and EIC Activity Areas</u> (see also 36.5.17)	At any point within the Residences/ Residential Activity Areas	0800h to 2000h 2000h to 0800h	50 dB L <small>A_{eq}(15 min)</small> 40 dB L <small>A_{eq}(15 min)</small> 75 dB L <small>A_{Fmax}</small>					NC					NC
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<p>New Rule 36.5.3.1</p>	<p>overlay is subject to the addition of a further rule (outlined below).</p> <p>A new standard for sound is sought to be created to recognise and provide for commercial and other entertainment activities located within the Village and EIC Activity areas.</p>	<p>Insert a new Rule 36.5.3.1, as follows:</p> <table border="1" data-bbox="496 69 927 972"> <thead> <tr> <th data-bbox="496 846 624 972">Table 2</th> <th data-bbox="496 618 624 846">General Standards Activity or sound source</th> <th data-bbox="496 445 624 618">Assessment location</th> <th data-bbox="496 333 624 445">Time</th> <th data-bbox="496 226 624 333">Noise Limits</th> <th data-bbox="496 69 624 226">Non-compliance Status</th> </tr> </thead> <tbody> <tr> <td data-bbox="624 846 655 972">36.5.3.1</td> <td data-bbox="624 618 655 846">Jacks Point Village and EIC Activity Areas of the Jacks Point Zone</td> <td data-bbox="624 445 655 618">At any point within the Residential/Activity Areas</td> <td data-bbox="624 333 655 445">0800h to 2200h 2200h to 0800h</td> <td data-bbox="624 226 655 333">50 dB L <small>A_{eq}(15 min)</small> 40 dB L <small>A_{eq}(15 min)</small> 75 dB L <small>A_{Fmax}</small></td> <td data-bbox="624 69 655 226">RD RD Discretion is restricted to the extent of effects of noise generated on adjoining zones.</td> </tr> </tbody> </table>	Table 2	General Standards Activity or sound source	Assessment location	Time	Noise Limits	Non-compliance Status	36.5.3.1	Jacks Point Village and EIC Activity Areas of the Jacks Point Zone	At any point within the Residential/Activity Areas	0800h to 2200h 2200h to 0800h	50 dB L <small>A_{eq}(15 min)</small> 40 dB L <small>A_{eq}(15 min)</small> 75 dB L <small>A_{Fmax}</small>	RD RD Discretion is restricted to the extent of effects of noise generated on adjoining zones.
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<p>Chapter 41 Jacks Point Zone</p>														
<p>All rules listed matters of restricted discretion.</p>	<p>Support in Part</p> <p>Jacks Point generally supports restricted discretionary activity status throughout Chapter 41. However, it seeks to amend the introductory text used to frame the restriction of discretion where it includes the text “<i>all of the following</i>”.</p> <p>Jacks Point considers this could be interpreted to widen discretion and undermining the value in have a clear</p>	<p>Amend all rules where matters of discretion are listed to delete the phrase “to all of the following”, from the statement “Discretion is restricted to”.</p>												

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined</u> bold italics and deleted text shown as italic-strike-through]
	statement of matters to which discretion is reserved. For this reasons it seeks to have this text removed.	
Rule 41.4.9 Structure Plan Activities	<p>Support in Part</p> <p>Jacks Point seeks to include within the E Activity Area the provision of Health Care activities and amendments to Rule 41.4.9.4 are sought to clarify this.</p>	<p>Amend Rule 41.4.9.4 Structure Plan – Activities, as follows:</p> <p><i>Education and Health Care Precinct (EH) - the use of this area is restricted to Education, Health Care and Day Care Facilities.</i></p>
Rule 41.5.4.1 Volume of Earthworks	<p>Support in Part</p> <p>Further earthworks are proposed within the Village Activity Area to expand and change the shape of Lake Tewa and the proposed maximum of 500 m³ is unrealistic for this work.</p>	<p>Amend Rule 41.5.4.1 Volume of Earthworks, to shift the Village Activity Area out of the 500 m³ band to “no maximum”.</p>
Rule 41.5.4.5 Water bodies	<p>Support in Part</p> <p>Exemptions are sought to these rules to enable further changes to the shape of Lake Tewa. Lake Tewa is entirely man made and lake and such changes do not impact on the natural character of any natural lake, river or other water body.</p>	<p>Amend Rule 41.5.4.5 Water bodies, as follows:</p> <p>a. <i>Earthworks within 7m of the bed of any water body shall not exceed 20m³ in total volume, except any man made water body (e.g. Lake Tewa), within one consecutive 12 month period.</i></p> <p>b. <i>Any material associated with earthworks activity shall not be positioned within 7m of the bed of any water body, except any man made water body (e.g. Lake Tewa) or where it may dam, divert or contaminate water.</i></p> <p>c. <i>Earthworks shall not:</i></p> <ul style="list-style-type: none"> • <i>cause artificial drainage of any groundwater aquifer;</i> • <i>cause temporary ponding of any surface water.</i>

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined</u> bold italics and deleted text shown as <i>italic-strike-through</i>]
<p>Rule 41.5.6 Access to the State Highway</p>	<p>Support in Part</p> <p>Jacks Point generally supports Rule 41.5.6 relating to access onto State Highway 6 as being appropriate for the sustainable management of the road network and to provide secondary access to the Jacks Point Zone. Jacks Point proposes a number of changes to this rule to reflect the latest position agreed to with the NZTA as part of PC445, in particular to provide clarification around the use of Traffic Management plans to manage construction traffic and the timing of when the new Woolshed road intersection is required. These changes are considered to positively support and clarify the existing rule. Advisory notes are also proposed to assist in the interpretation of these particular rules because of the nature of the external process (i.e. non-RMA) to approve the intersection design and to also manage construction traffic.</p>	<p>Amend Rules 41.5.6.1 and 41.5.6.2, as follows:</p> <p>41.5.6.1 Access from State Highway 6 shall be only at the intersections at Maori Jack Road and Woolshed Road, as shown on the Structure Plan.</p> <p>41.5.6.2 <i>The Woolshed Road access shall not be used until an amended design for that road's intersection with State Highway 6 has been upgraded, completed and available for use, except as provided for through the approval of a Traffic Management Plan by the NZ Transport Agency (refer Advisory Note below</i></p> <p>41.5.6.3 <i>No more than 500300 residential units/titles or 2,400 vehicle movements per day (weekly average), whichever is the lesser, may not be exceeded may be built within the EIC, R(HD) and R(SH-HD) Activity Areas without until the Woolshed Road intersection upgrade is being completed and available for use.</i></p> <p><i>Discretion is restricted to the safe and efficient functioning of the road network.</i></p> <p><u>Advisory Notes:</u></p> <p>i. <i>A 'Traffic Management Plan' is required to be submitted to the NZ Transport Agency from any person/s using Woolshed Road in relation to construction within the Jacks Point Resort Zone</i></p> <p>ii. <i>The upgrade of the intersection of Woolshed Road and State Highway 6 will require approval from the NZ Transport Agency. The expectation of the NZ Transport Agency is that the existing crossing points CP60, CP62 and CP63 will be</i></p>

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined</u> bold italics and deleted text shown as italics-strike-through]
41.5.12 Building Height	<p>Support in Part</p> <p>Changes are sought to enable building height within the Jacks Point Village Activity up to 12m. An additional 2m of height would be sufficient to enable four level buildings within the village. This increase is proposed within the central part of the zone with least visual impact from beyond the zone and will make an efficient use of the available land resource.</p>	<p><u>permanently and physically closed when that intersection upgrade is completed.</u></p> <p>Amend Rule 41.5.12.2 Building Height, as follows:</p> <p>The maximum height of buildings shall be:</p> <ol style="list-style-type: none"> <u>Jacks Point Village Activity Area 12 m</u> <u>All other Village (V) Activity Areas 10m</u> ...
41.5.19 Wetlands	<p>Support in Part</p> <p>This rule is inconsistent with the Structure Plan Rule 41.4.9.9 where some limited development is anticipated to provide for the construction of board walks around the main wetland located within the Hanley Downs area, and also to undertake ecological enhancement, which may include landscape planting. Because the positive nature of these changes it is considered there will be no adverse effects from amending the rule to reflect these outcomes.</p>	<p>Amen Rule 41.5.19 Wetlands, as follows:</p> <p><u>There shall be no development, landscaping-and/or earthworks within 7 metres of any Wetland area identified on the Structure Plan, except to enable development of pedestrian access (including boardwalks), the erection of fences to control stock or other structures related to the protection of these areas, to undertake ecological enhancement, including the removal of plant pests.</u></p>
41.6 Non Notification of Applications	<p>Support in Part</p> <p>Jacks Point generally supports the inclusion of a non-notification clause within the zone as a means of providing certainty around the resource consent process. However, Jacks Point considers that provisions 41.6.2 does is</p>	<p>Amend Provision 41.6.2, as follows:</p> <p><i>Any application for resource consent for the following restricted discretionary activities shall be considered without public notification</i></p>

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined</u> bold italics and deleted text shown as strike-through]
	<p>internally inconsistent in dealing with affected persons. The clause provides for service to persons considered to be adversely affected, implying that would be a judgment to be made by the Council. Jacks Point supports that approach and considers the use of "shall" in relation to service to persons conflicts with the discretion being conferred later in the clause. On this basis, Jacks Points seeks to replace the "shall" with "may" to clarify the intended function of the provision.</p>	<p><i>but notice shall <u>may</u> be served on those persons considered to be adversely affected if the written approval has not been obtained</i></p>
41.7 Structure Plan	<p>Support in Part</p> <p>Jacks Point generally supports the structure plan contained within provision 4.7 as the most appropriate means to provide for the spatial layout of development across the Jacks Point Zone. For the general reasons expressed in this submission, Jacks Point seeks to replace the Structure Plan with a revised version that incorporates particular changes to the boundaries of Neighbourhood 2a and the Jacks Point Village.</p>	<p>Replace 41.7 Structure Plan with the revised Structure Plan contained within Appendix 1 to this submission.</p>

APPENDIX 1
Proposed Jacks Point Zone structure Plan

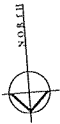


FIGURE 1

Jacks Point Resort Zone

rev B 19 October 2015

scale 1:25,000 (A4), 1:17,500 (A2)

762

STATE HIGHWAY ACCESS

STATE HIGHWAY 8

STATE HIGHWAY ACCESS



KEY

- R(JP) Residential Jacks Point
- R(JP-SH) Residential Jacks Point - State Highway
- V(JP) Village Jacks Point
- R(HD) Residential Hanley Downs
- R(HD-SH) Residential Hanley Downs - State Highway
- EIC Education Innovation Campus
- E Education
- L Lodge
- HS Preserve Homesteads
- FP Farm / Preserve
- W Wetland
- OSG Open Space Golf
- OSL Open Space Landscape Protection / Farming
- OSA Open Space Residential Amenity
- V(HB) Village Homestead Bay
- OSH Open Space Horticulture
- OSR Open Space Residential
- OSF Open Space Foreshore
- FBA Farm Buildings and Craft Activity Area
- BFA Boating Facilities Area
- Activity Area
- Public Access Route (location indicative)
- Secondary Road Access (location indicative)
- Primary Road Access (location indicative)
- Key Road Connections (location indicative)

OVERLAYS

- Open Space
- Highway Landscape Protection Area
- Peninsula Hill Landscape Protection Area
- Lake Shore Landscape Protection Area
- State Highway Mitigation
- Flood Bank / State Highway Mitigation
- Tablelands (includes Homesteads and Wetlands within shaded area)

**SUBMISSION ON THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991**

To: Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Submitter: Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited

C/- Boffa Miskell Ltd
PO Box 110
CHRISTCHURCH

Attention: Chris Ferguson, Planner
Phone: (03) 353 7568
Mobile: 021 907 773
Email: Chris.Ferguson@boffamiskell.co.nz

Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited ("Jacks Point") makes the submissions on the Proposed Queenstown Lakes District Plan ("PDP") set out in the **attached** document, including on behalf of their related or associated developer and owner entities with interests in Jacks Point.

Jacks Point confirms its submission does not relate to trade competition or the effects of trade competition.

Jacks Point would like to be heard in support of its submission.

If other persons make a similar submission then Jacks Point would consider presenting joint evidence at the time of the hearing.



Chris Ferguson

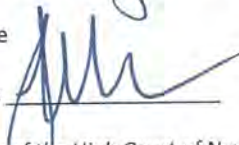
For and behalf of Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited, including on behalf of their related or associated developer and owner entities with interests in Jacks Point.

24th day of November 2015

This is the annexure marked "M" referred to in the annexed affidavit of *lan William Bayliss* which was sworn at *Queenstown* this *3* day of *August* 201*2*

before me

Signature



Kate M. Andrew¹
Solicitor
Queenstown

OUTLINE OF SUBMISSION

Background

1. Jacks Point lodged a primary submission to the PDP, dated 23 October 2015 addressing various matters relating to the subdivision, use and development of the land within the Jacks Point Zone.
2. Following lodgement of this submission, Jacks Point has reviewed the operation of Rule 41.5.8 Density, which it seeks to have corrected through this late submission. The original (23 October 2015) submission did not submit seeking changes to this rule.
3. The relief sought through this submission affects only the Jacks Point area of the Jacks Point Zone.

Relief sought

4. The specific changes sought to the PDP provisions are detailed below.

- (a) Amend Rule 41.5.8 Density, as follows:

41.5.8.1 *The average density of residential units within each of the Residential Activity Areas shall be as follows:*

R(JP) – 1	13–18 <u>13.08 – 18.67</u> per Ha
R(JP) – 2A	13–33 <u>13.62 – 33.33</u> per Ha
R(JP) – 2B	14–15 <u>14.04 – 14.85</u> per Ha
R(JP) – 3	14 <u>14.18</u> per Ha
R(JP-SH) – 1	10 <u>9.64</u> per Ha
R(JP-SH) – 2	9 <u>8.85</u> per Ha
R(JP-SH) – 3	5 <u>4.62</u> per Ha
R(JP-SH) – 4	5–12 <u>4.85 – 26.61</u> per Ha
R(HD-SH) – 1	12 – 22 per Ha
R(HD-SH) – 2	2 – 10 per Ha
R(HD) - A	17 – 26 per Ha
R(HD) – B	17 – 26 per Ha
R(HD) - C	15 – 22 per Ha
R(HD) - D	17 – 26 per Ha
R(HD) - E	25 – 45 per Ha
R(HD) - F	2 – 10 per Ha
R(HD) – G	2 – 10 per Ha

Density shall be calculated on the net area of land available for development and excludes land vested or held as reserve, open space, public access routes or roading and excludes sites used for non-residential activities. Within the Residential Areas of Henley Downs, if part of an Activity Area is to be developed or subdivided, compliance must be achieved within that part and measured cumulatively with any preceding subdivision or development which has occurred with that Activity Area. Within the Jacks Point Residential Activity Areas, density shall be calculated and applied to the net area of land across the whole Activity Area.

Reasons for and matters raised in the submission

5. The background to the creation of the density rule is from the broader move away from the use of the Outline Development Plan to a more specific suite of rules to control the use of land in a more effective and efficient way.
6. The principles used to formulate the density figures in Rule 41.5.8 were:
 - (a) To reflect the density of development already approved within the existing Jacks Point Residential Areas through the current version of the Density Master Plan (part of the ODP), with the exception of the following:
 - (i) Any adjustments needed to density arising from areas of land proposed for the expansion of an existing residential activity area; and
 - (ii) The deliberate increase in densities proposed for the current undeveloped neighbourhoods of R(JP) – 2A and R(JP-SH) – 4.
 - (b) Express density on the basis of net areas of land available for development, as opposed to the operative District Plan's use of gross density across all Residential Activity Areas (10 – 12 hectares).
7. In the process of converting the gross density figures from the operative Density Master Plan, three calculation errors occurred that require remedying:
 - a. The notified version of the Density Rule rounded the average density to the nearest whole number. This has resulted in more and less development than anticipated for with all of the Jacks Point Residential Activity Areas. To correct this, it is proposed to specify density to the nearest two decimal places.
 - b. Within Neighbourhood 7 (R(JP-SH) – 4) density was incorrectly calculated on the basis of the entire (gross) area of land within this pod which would provide for a much lower density of development than intended (12.13 units/ha). Calculating density on the basis of the net area of land, excluding roads and reserves, the maximum density would be 26.61 units per hectare. This change will bring the density in line with the current approved version of the Density Master Plan.
 - c. In capturing the capacity for development within the existing residential activity areas, any "Comprehensive" (multiple unit development) sites that contained one existing unit were counted as only one unit. This is also incorrect as Comprehensive development under the operative ODP provided for two residential units and the figures have been updated to reflect this. This has resulted in changes to the upper density range for R(JP) – 1.

Further and Consequential Relief

8. Jacks Point seeks to make any similar, alternative and/or consequential relief that may be necessary or appropriate to address the matters raised in this submission or the specific relief requested in this submission.

'N'

Further Submission on Queenstown Lakes Proposed District Plan 2015 - Stage 1

Clause 8 of the First Schedule, Resource Management Act 1991

To: Queenstown Lakes District Council
By email: services@qldc.govt.nz

Submitter: "Jacks Point" (Submitter number 762 and 856)

Jacks Point Residential No. 2 Limited
Jacks Point Village Holdings Limited
Jacks Point Developments Limited
Jacks Point Land Limited
Jacks Point Land No. 2 Limited
Jacks Point Management Limited
Henley Downs Land Holdings Ltd
Henley Downs Farm Holdings Ltd
Coneburn Preserve Holdings Limited
Willow Pond Farm Limited

Attention: Chris Ferguson, Planner
Phone: (03) 353 7568
Mobile: 021 907 773
Email: Chris.Ferguson@boffamiskell.co.nz

This is the annexure marked "N" referred to in the annexed affidavit of *Jon William Bayliss* which was sworn at *Queenstown* this *3rd* day of *August 2018*

before me

Signature

[Signature]
A solicitor of the High Court of New Zealand
Kate H. Andrew
Solicitor
Queenstown

1. This is a further submission in support of/ in opposition to submissions on the Proposed District Plan – Stage 1.
2. The submitter is:
 - (a) A person who has an interest in the proposal that is greater than the interest the general public has.
 - (i) The persons/ organisations identified above all have interests in the Jacks Point Zone ("JPZ") as identified in the Proposed Plan greater than that of the general public due to the various property interests owned and associated with the submitters.
 - (ii) A number of submissions have been received by the Queenstown Lakes District Council on the proposed provisions of the JPZ. . These submissions, together with the Proposed Plan together may have significant implications on the development of the JPZ.
3. The submitter supports or opposes the submissions as detailed in the table below.
4. The reasons for support or opposition of each submission are specified in the table below, however the reasons for such further submission are summarised as follows:
 - (a) Detailed submissions were provided by the submitter in submissions numbers 762 and 856 (Jacks Point). The reasons for those submissions are adopted by this further submission as the reason for this further submission. In summary the reason for this further submission is that:
 - (i) Chapters 41 and Chapter 27 as notified are generally appropriate to give effect to the higher order provisions of the PDP, with minor changes detailed in submissions

762 and 856 in order to improve the efficiency and effectiveness of the methods used to achieve relevant objectives and policies, and to address internal inconsistencies.

- (ii) To the extent that the submissions listed below are consistent with submissions 762 and 856 they are supported. To the extent they are inconsistent with submissions 762 and 856 they are opposed on the basis they will not assist the development of the JPZ in an efficient and effective manner.

5. A copy of this submission has been served on all submitters identified.
6. I wish to be heard in support of my submission.
7. I will consider presenting a joint case with others presenting similar submissions.



By its duly authorised agent
Chris Ferguson

For and behalf of:

Jacks Point Residential No. 2 Limited
Jacks Point Village Holdings Limited
Jacks Point Developments Limited
Jacks Point Land Limited
Jacks Point Land No. 2 Limited
Jacks Point management Limited
Henley Downs Land Holdings Ltd
Henley Downs Farm Holdings Ltd
Coneburn Preserve Holdings Limited
Willow Pond Farm Limited

18th day of December 2015

FURTHER SUBMISSIONS

Submission (number/ name/ address)	Support/ Oppose	Provision(s)	Reasons	Decision sought
131 Joanna & Simon Taverner 47 McChesney Road, Arthurs Point, Queenstown, 9371, New Zealand (jo_dey@hotmail.com)	Oppose	41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
178 Trustee for JH Dowell Trust PO Box 302860, North Harbour, North Shore City, 0751, New Zealand (hamish.d@daypoint.co.nz)	Oppose	41 Jacks Point Zone 41.2.1.26 41.4.9 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
185 James & Elisabeth Ford 4 Kinross Lane, Jacks Point, Queenstown, 9300, New Zealand (jfordpcs@gmail.com)	Oppose	41 Jacks Point Zone Map 13 - Gibbston Valley Cecil Peak and Wye Creek (Insets)	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
195 Alexander Schrantz House A1, 6 Mount Davis Road, Pokfulam, Hong Kong, 0000, Hong Kong	Oppose	41 Jacks Point Zone	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.

(alex_schranitz@hotmail.com)			efficient and effective development of the JPZ.	
207 Julie & William Jamieson 9/67 Andrews Road, Queenstown, 9300, New Zealand (julie.jamieson@xtra.co.nz)	Oppose	41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
246 Amy Bayliss 2B Amber Close, RD 1, Queenstown, 9371, New Zealand (amybayliss@gmail.com)	Oppose	41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
259 Duncan & Sheena Ashford & Ashford-Tait PO Box 2579, Wakatipu, Queenstown, 9349, New Zealand (duncanandsheena@mac.com)	Oppose	41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
284 Maria & Matthew Thomson 12 Bretby Court, Jacks Point, Queenstown, 9371, New Zealand (thomsonplastering@xtra.co.nz)	Oppose	41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
316 Karen Page	Oppose	41 Jacks Point Zone 41.2.1.26, 41.4.9	To the extent that the submission opposes the JPZ as notified, and is	To the extent that the submission opposes the JPZ as notified, and is

PO Box 46, Queenstown, 9300, NZ (karen_page1@hotmail.co m)	41.7 Structure Plan	inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	inconsistent with submissions 762 and 856, disallow the submission.
342 Scope Resources and Southern Beaver Ltd Attn: Nick Geddes Clark Fortune McDonald & Associates, PO Box 553, Queenstown, 9348, New Zealand (ngeddes@cfma.co.nz)	Oppose 41 Jacks Point Zone	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
361 Grant Hylton Hensman, Sharyn Hensman & Bruce Herbert Robertson, Scope Resources Ltd, Granty Hylton Hensman & Noel Thomas van Wichien, Trojan Holdings Ltd Mactodd, PO Box 653 , Queenstown, Queenstown, 9348, New Zealand (jmacdonald@mactodd.co. nz)	Oppose Chapter 11 Map 13	The rezoning of Rural General to Industrial as requested is opposed on the basis that it will have cumulative adverse effects on landscape and visual values, and the character of the area.	Disallow the submission.
383 Queenstown Lakes District Council submission points 383.176 Private Bag 50072, Queenstown, 9348, New Zealand (mayor@qldc.govt.nz)	Oppose 41.4 Zone purpose 41.4.3 41.4.4	The submitter supports the concept of enabling external design guidelines and instruments, but proposes the references to those guidelines and instruments needs clarification rather than wholesale	Allow the submission point subject to clarifying wording.

Submission point 383.177	Support	41.5.8.2	deletion and to that extent the submission is opposed. It is agreed the provision is unclear and requires amendment.	Allow the submission point.
Submission point 383.178	Support	41.5.13.1	The amendment improves the mitigation of effects of lighting.	Allow the submission point
540 Clive and Sally Geddes clivegeddes@xtra.co.nz	Oppose	Chapter 41 in its entirety	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
547 J M Smith, Bravo Trustee Company Limited & S A Freeman Southern Planning Group, PO Box 1081, Queenstown, 9348, New Zealand (scott@southernplanning.co.nz)	Oppose	41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
567 Wild Grass Partnership, Wild Grass Investments No 1 Limited & Horizons Investment Trust Southern Planning Group, PO Box 1081, Queenstown, 9348, New Zealand (scott@southernplanning.co.nz)	Support	41 Jacks Point Zone, 41.2 Objectives and Policies, 41.2.1 Objective 1, 41.4.3.1, 41.4.4.1, 41.4.8, 41.4.9, 41.4.9.6, 41.5.4, 41.5.12, 41.7 Structure Plan, Map 13 - Gibbston Valley, Cecil Peak and Wye Creek	To the extent that the submission can integrate with the JPZ as notified, and is consistent with the principles of the Coneburn Study and submissions 762 and 856, the submission is supported.	To the extent that the submission can integrate with the JPZ as notified, and is consistent with submissions 762 and 856 and addresses landscape, open space and amenity values, allow the submission.
567 Wild Grass Partnership, Wild Grass	Support	27 Subdivision and Development, 27.1 Purpose	To the extent that the submission can integrate with the provisions of	To the extent that the submission can integrate with the JPZ as

Investments No 1 Limited & Horizons Investment Trust Southern Planning Group, PO Box 1081, Queenstown, 9348, New Zealand (scott@southernplanning.co.nz)		27.2 Objectives and Policies – district wide, 27.2.1.1, 27.4 Rules - Subdivision, 27.4.1 Discretionary activities, 27.5 Rules - Standards for Subdivision Activities,	chapter 27 as they relate to JPZ as notified, and is consistent with submissions 762 and 856 and addresses landscape, open space and amenity values, the submission is supported.	notified and addresses landscape, open space and amenity values, and is consistent with submissions 762 and 856, allow the submission.
576 Neville Andrews PO Box 2316, Wakatipu, 9349, New Zealand (neandrews1@gmail.com)	Oppose	41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
582 Tony & Bev Moran 139 Mabers Road, Katapoi RD2, 7692, New Zealand (tonyandbev@xtra.co.nz)	Oppose	41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
601 Tim & Paula Williams 31 Avalon Crescent, Queenstown, 9300, New Zealand (tim@southernplanning.co.nz)	Oppose	41 Jacks Point Zone, 41.2 Objectives and Policies, 41.4 Rules – Activities, 41.4.1, 41.5 Rules - Standards, 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
603 Alpine Trust	Oppose	41 Jacks Point Zone, 41.4 Rules – Activities	To the extent that the submission opposes the JPZ as notified, and is	To the extent that the submission opposes the JPZ as notified, and is

<p>PO Box 2160, Queenstown, 9349, New Zealand</p>			<p>inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.</p>	<p>inconsistent with submissions 762 and 856, disallow the submission.</p>
<p>605 Margaret Joans Williams 79H Kelmarna Avenue, Herne Bay, Auckland, 1011, New Zealand</p>	<p>Oppose</p>	<p>41 Jacks Point Zone, 41.2.1.26</p>	<p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.</p>	<p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.</p>
<p>632 RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks John Edmonds + Associates Ltd, PO Box 95, Queenstown, 9348, New Zealand (reception@jea.co.nz)</p>	<p>Oppose</p>	<p>28.3 Objectives and Policies, 3.2.5 Goal 5, 6.3 Objectives and Policies, 41 Jacks Point Zone, 41.1 Zone Purpose, 41.2.1.13, 41.3 Other Provisions and Rules, 41.4.6.1, 41.4.9, 41.4.9.1, 41.5.2.9, 41.5.3.3, 41.5.4.1, 41.5.4.2, 41.5.5.1, 41.5.5.2, 41.5.5.4, 41.5.7.2, 41.5.12, 41.5.12.2, 41.5.12.4, 41.5.15, 41.5.15.2, 37 Designations, 27 Subdivision and Development, 27.2.1 Objective 1, 27.2.1.1, 27.2.1.2, 27.2.1.3, 27.2.1.4, 27.2.1.5, 27.2.1.6, 27.2.1.7, 27.2.2 Objective 2, 27.2.2.1, 27.2.2.3, 27.2.2.4, 27.2.2.5, 27.2.2.6, 27.2.2.8, 27.2.2.9, 27.2.3 Objective 3, 27.2.3.2, 27.2.4</p>	<p>To the extent that the submission may inadvertently oppose the JPZ as notified as it affects land in which the submitter Jacks Point has an interest, and is inconsistent with submissions 762 and 856 in relation to land in which the submitter Jacks Point has an interest, the submission is opposed as it will not enable the efficient and effective development of the JPZ land in respect of which Jacks Point has an interest.</p>	<p>To the extent that the submission may inadvertently oppose the JPZ as notified as it affects land in which the submitter Jacks Point has an interest, and is inconsistent with submissions 762 and 856 in relation to land in which the submitter Jacks Point has an interest, disallow the submission.</p>

		<p>Objective 4, 27.2.4.1, 27.2.4.2, 27.2.4.3, 27.2.4.4, 27.2.4.5, 27.2.4.6, 27.2.5</p> <p>Objective 5, 27.2.5.1, 27.2.5.2, 27.2.5.3, 27.2.5.4, 27.2.5.5, 27.2.5.7, 27.2.5.8, 27.2.5.9, 27.2.5.10, 27.2.5.11, 27.2.5.13, 27.2.5.14, 27.2.5.16, 27.2.5.17, 27.2.5.18, 27.2.6</p> <p>Objective 6, 27.2.6.1, 27.2.6.2, 27.2.7</p> <p>Objective 7, 27.2.7.1, 27.2.7.2, 27.2.8</p> <p>Objective 8, 27.2.8.1, 27.2.8.2, 27.4.2</p> <p>Non-complying activities:, 27.4.3</p> <p>Restricted Discretionary activities:, 27.7.14</p> <p>Objective - Jacks Point Zone, 27.7.14.5, 27.7.14.7, 27.7.14.8, 36.5.3,</p>		
	<p>Oppose</p>	<p>Structure Plan</p>	<p>To the extent that changes to the Structure Plan may inadvertently affect land in which the submitter Jacks Point has an interest, and is inconsistent with submissions 762 and 856 in relation to land in which the submitter Jacks Point has an interest, the submission is opposed as it will not enable the efficient and effective development of the JPZ land in respect of which Jacks Point has an interest.</p> <p>To the extent that the submission seeks changes to the Structure Plan that will result in a reduction in</p>	<p>To the extent that the Structure Plan is inconsistent with that as notified as it affects land in which the submitter Jacks Point has an interest, and is inconsistent with submissions 762 and 856 in relation to land in which the submitter Jacks Point has an interest, disallow the change to the Structure Plan.</p> <p>Refine the area of open space adjoining the wetland area.</p>

<p><u>645</u> Christine Cunningham 4 Main Street, Maitaura, 9712, New Zealand (Chris.s.cunningham@gmail.com)</p>	<p>Oppose</p>	<p>41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan</p>	<p>open space in relation to land in which the submitter Jacks Point has an interest, the submission is opposed.</p> <p>The submitter also wishes to clarify that the part of the indicative track alignment shown on the structure plan in R(HD)-E should be relocated to the property north and east of the legal road and along the road before turning into R(HD)-D to provide practical recreation linkages.</p>	
<p><u>647</u> Scott Sanders 8 Point Road, Monaco, Nelson, 7011, New Zealand</p>	<p>Oppose</p>	<p>41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan</p>	<p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.</p>	<p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.</p>
<p><u>735</u> Russell Tilsley & Joanne Ruthven 1 Reading Court, Jacks Point, Queenstown, 9371, New Zealand (russ@fetchnz.com)</p>	<p>Oppose</p>	<p>41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan</p>	<p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.</p>	<p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.</p>

<p><u>770</u> Fiordland Tablelands Limited (clivegeddes@xtra.co.nz)</p>	<p>Oppose</p>	<p>41 Jacks Point Zone, 41.7 Structure Plan</p>	<p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.</p>	<p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.</p>
<p><u>787</u> Westenberg Family Trust 49 Te Karaka Drive, Te Puna , 3174, New Zealand (westenbergs@gmail.com)</p>	<p>Oppose</p>	<p>41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan</p>	<p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.</p>	<p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.</p>
<p><u>789</u> Vivo Capital Limited PO Box 77-037, Mt Albert, Auckland, 1350, New Zealand (robert@robertmakgill.com)</p>	<p>Oppose</p>	<p>41 Jacks Point Zone, 41.2 Objectives and Policies, 41.4 Rules – Activities, 41.5 Rules - Standards, 41.7 Structure Plan</p>	<p>The expansion of the JPZ and increased scale of development is opposed as it will reduce open space, detract from landscape values and put increased pressure on infrastructure.</p> <p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.</p>	<p>To the extent that the submission opposes the JPZ as notified, is inconsistent with submissions 762 and 856 and reduces open space and landscape values, disallow the submission.</p>
<p><u>802</u> Harris-Wingrove Trust PO Box 2813, Queenstown, 9371, New</p>	<p>Oppose</p>	<p>41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities</p>	<p>To the extent that the submission opposes the JPZ as notified, in a manner otherwise inconsistent with submissions 762 and 856, the</p>	<p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.</p>

<p>Zealand (anne.harris@hwge.biz)</p>	<p>41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan</p>	<p>submission is opposed as it will not enable the efficient and effective development of the JPZ.</p>	
<p>855 RCL Queenstown Pty Ltd, RCL Henley Down Ltd, RCL Jacks Point Ltd (RCL John Edmonds + Associates Ltd, PO Box 95, Queenstown, 9348, New Zealand (reception@jea.co.nz)</p>	<p>Oppose</p>	<p>41 Jacks Point Zone</p>	<p>To the extent that the submission may inadvertently oppose the JPZ as notified as it affects land in which the submitter Jacks Point has an interest, and is inconsistent with submissions 762 and 856 in relation to land in which the submitter Jacks Point has an interest, the submission is opposed as it will not enable the efficient and effective development of the JPZ land in respect of which Jacks Point has an interest.</p>
			<p>To the extent that the submission may inadvertently oppose the JPZ as notified as it affects land in which the submitter Jacks Point has an interest, and is inconsistent with submissions 762 and 856 in relation to land in which the submitter Jacks Point has an interest, disallow the submission.</p>

Submission on the Proposed Queenstown Lakes District Plan 2015 (Stage 1)

Pursuant to Clause 6 of Schedule 1, Resource Management Act 1991

To: Queenstown Lakes District Council

Address: Sent via email to: services@qldc.govt.nz

Name of submitter: RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks Point Ltd (RCL)

About the submitter: RCL are Australian based residential development companies. RCL has extensive landholdings in Jacks Point including within Hanley Downs and the Jacks Point Village, which it intends to develop over coming years. Combined, it is expected that these areas will enable the development of more than 2000 homes.

RCL is the requestor of Plan Change 44 to the Operative Queenstown Lakes District Plan (Hanley Downs). At the time of writing it was awaiting a Council decision on that Plan Change. RCL considers that the outcome of Plan Change 44 should be instructive as to the appropriateness, scale and intensity of development appropriate for its land and it views extensive reconsideration of these matters as unnecessary and inappropriate. The relief it seeks is largely consistent with that plan change except for minor modifications to bulk and location controls for buildings.

Trade Competition: The submitter cannot gain an advantage in trade competition through this submission.

Submission and decisions sought: The proposed district plan provisions this submission relates to, and the decisions sought, are as set out in the attached table.

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

Address for Service: RCL
C/- John Edmonds + Associates Ltd
Email: reception@jea.co.nz
Phone: 03 450 0009

Date: 23rd October 2015

This is the annexure marked "0" referred to in the annexed affidavit of Ian William Bayliss which was sworn at Queenstown this 3rd day of August 2018

before me

Signature

 Kate M. Andrew
Solicitor

A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

Submission point	Plan Provision	Relief sought (amended wording sought shown in underline strikeout)	Reasons
1	All provisions	Alternative, amended, or such other relief deemed more consistent with or better able to give effect to these submissions or the provisions referred to by these submissions.	
2	Section 3.2.5	Delete Section 3.2.5	<p>This section only serves to repeat matters covered in Section 6 of the Proposed Plan. This is inefficient and can be ineffective as large numbers of objectives and policies on similar matters can serve to detract from the importance given to wording within individual policies. The plan can be consolidated by deleting this section (or alternatively incorporating Proposed Section 6 into 3.2.5).</p> <p>The RMA correctly anticipates that a legitimate outcome of a Plan Review is to find that there is no need to amend existing provisions.</p> <p>The landscape objectives and policies were heavily scrutinised by submitters, Council and the Court over several years before the Operative Plan was settled. They set out clear principles for managing development which are appropriate to the local context and the weighting of matters set out in Part 2 of the RMA. They have been applied for many years with practitioners being familiar with how they should be applied. This aids consistent interpretation and raises the risk of inefficiencies if they are changed. RCL agrees with the following statement from page 10 of the s32 assessment on the Strategic Directions Chapter (to the extent that it applies to Section 4.2 of the Plan):</p> <p><i>“Fundamentally, however the landscape provisions in the ODP are considered to function well.”</i></p> <p>By comparison the proposed landscape chapter objectives and policies suffer from the following issues:</p> <ul style="list-style-type: none"> - Long winded and excessive numbers of objectives and policies - Ambiguous wording (e.g. reference to “rural zones”) - Repetition of matters covered in objectives and policies in other chapters - Wording that inappropriately restricts development
3	Section 6	Delete all objectives and policies in proposed Section 6 and replace with those that already exist in Section 4.2 of the Operative District Plan (while making minor wording amendments such as replacing “visual amenity landscapes” with “rural landscape category”).	

Submission point	Plan Provision	Relief sought (amended wording sought shown in underline strikeout)	Reasons
			<p>- Excessively elevating landscape matters in areas where they are but one of many valid considerations (for example by not properly distinguishing the distinct tests appropriate for different landscape categories).</p> <p>Overall, it would be significantly more efficient and effective in achieving the purpose of the Act to continue to apply Section 4.2 of the Operative District Plan in Section 6 with no more than minor and inconsequential amendments.</p>
4	Section 27 – Subdivision and Development	Amend the structure of the Subdivision Zone so that it is consistent with other zones, including through using tables and ensuring that all objectives and policies are located at the beginning of the section.	The structure of the proposed Subdivision and Development Section is confusing and difficult to navigate. There is no reason it cannot follow a format consistent with the rest of the proposed Plan.
5	Rule 27.4.2.a	Amend as follows: Subdivision that does not comply with the standards in Part 27.5 and location specific standards in part 27.8. Except within the following zone where any non-compliance shall be a <u>restricted discretionary activity</u>	The added certainty of a restricted discretionary activity is a significant benefit to a landowner and should be provided for in appropriate situations such as this.
6	Rule 27.4.3	Amend as follows: The following shall be Restricted—Discretionary <u>controlled activities</u> : a Subdivision undertaken in accordance with a structure plan or spatial layout plan that is identified in the District Plan. Discretion is restricted to the matters specified in the Location Specific Objectives, Policies and Provisions in Part 27.7.	In situations such as the Jacks Point Zone where there is a structure plan in place, the ability to undertake a controlled activity subdivision reasonable. The certainty is an important commercial benefit for which particular regard should be given. RCL only seeks that controlled activity status exists for the subdivision of sites above 380m ² which it submits is a reasonable expectation.
7	New policy – 27.7.14.2	Add the following:	To achieve the diversity of densities and efficient use of land the Plan seeks, methods to promote the delivery of small lot subdivision subject to

Submission point	Plan Provision	Relief sought (amended wording sought shown in underline strikeout)	Reasons
8	27.7.14.7	<p>Anticipate and provide for lots which breach the <u>minimum lot size</u> standard subject to appropriate design controls being in place.</p> <p>Delete the following:</p> <p><u>Within the R(HD) A-E Activity Areas, ensure cul-de-sacs are straight (+/- 15 degrees).</u></p>	<p>appropriate and comprehensive design controls should be included in locations such as Hanley Downs.</p> <p>While the principle of avoiding cul-de-sacs other than those that are short and straight is supported, given the extensive matters of control / discretion available to Council, this rule is unnecessary.</p>
9	27.7.14.8	<p>Delete the following:</p> <p><u>In the Hanley Downs areas where subdivision of land within any Residential Activity Area results in allotments less than 550m² in area:</u></p> <p><u>b The extent to which such sites are configured:</u></p> <ul style="list-style-type: none"> <u>a with good street frontage.</u> <u>a to enable sunlight to existing and future residential units.</u> <u>a To achieve an appropriate level of privacy between homes.</u> <p><u>c The extent to which parking, access and landscaping are configured in a manner which:</u></p> <ul style="list-style-type: none"> <u>a minimises the dominance of driveways at the street edge.</u> <u>a provides for efficient use of the land.</u> <u>a maximises pedestrian and vehicular safety.</u> <u>a addresses nuisance effects such as from vehicle lights.</u> <p><u>d The extent to which subdivision design satisfies:</u></p> <ul style="list-style-type: none"> <u>a public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to</u> 	<p>These matters are covered adequately elsewhere. They can be deleted in the interests of achieving a briefer Plan.</p>

Submission point	Plan Provision	Relief sought (amended wording sought shown in underline strikeout)	Reasons
10	Rule 27.7.15	<p>Amend as follows</p> <p>Within the R(HD) Activity Area, the creation of sites sized between 380m² or smaller and 550m², without limiting any other matters of discretion that apply to subdivision for that site, particular regard shall be had to the following matters and whether they shall be given effect to by imposing appropriate legal mechanism of controls over:</p> <ul style="list-style-type: none"> • Building setbacks from boundaries. • Location and heights of garages and other accessory buildings. • Height limitations for parts of buildings, including recession plane requirements. • Window locations. • Building coverage. • Roadside fence heights. 	<p>The extra matters of discretion need only apply to sites of 380m² or smaller where the discretionary minimum lot size is breached. It is on sites smaller than this where the need for particular attention to design matters arises, and where standard residential controls can be excessively constraining.</p>
11	Objectives and policies: 27.2.1.1, 27.2.1.2,	Delete	<p>The Subdivision Chapter is in need of a significant overhaul. With approximately 60 objectives and policies proposed the inefficiencies of preparing AEEs which assess each of these has not been adequately assessed in the S32 report. Such an approach is also ineffective. The overall weight of</p>

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline</u> strikeout)	Reasons
	27.2.1.4, 27.2.1.5, 27.2.1.6, 27.2.2, 27.2.2.6, 27.2.2.8, 27.2.3.2, 27.2.4, 27.2.4.2, 27.2.4.3; 27.2.4.4, 27.2.4.5, 27.2.4.6, 27.2.5, 27.2.5.3, 27.2.5.5, 27.2.5.8, 27.2.5.10, 27.2.5.11, 27.2.5.14, 27.2.5.17, 27.2.5.18, 27.2.6, 27.2.6.1, 27.2.6.2, 27.2.7, 27.2.7.2, 27.2.8.		each objective and policy is reduced due to the large number that need to be assessed. Many of the listed objectives and policies which this submission seeks to delete are seen as: <ul style="list-style-type: none"> - superfluous, duplicating matters listed in other policies or objectives or addressing details that are unnecessary to cover (such as the Council's development contribution policy which is administered outside of the District Plan and may be amended during the life of the Plan); or - inappropriately prescriptive, which can inhibit flexibility and stifle innovative design; or - unclearly phrased; or - inappropriately phrased (such as the lack of apparent distinction between objectives and policies and detailed references to methods) - Reference to the subdivision guideline is inappropriate as that document provides visual examples of poor subdivision layouts
12	27.1.1.7 27.2.1.7 27.2.4.1 27.2.5.1 27.2.5.7	Retain as notified	

Submission point	Plan Provision	Relief sought (amended wording sought shown in underline strikeout)	Reasons
13	<p>27.2.8.1 27.2.8.2</p> <p>22.2.1 27.2.1.3 27.2.2.3 27.2.4.7 27.2.5.2 27.2.5.4 27.2.5.9 27.2.5.13 27.2.5.16 27.2.7.1</p>	<p>Amend, add new policies and reorder to provide a distinction between those that are applicable in the District generally and those that are applicable only to subdivisions of an urban nature. An exhaustive list to replace the objectives and policies in 27.2 should be as follows:</p> <p>27.2.1 Objective – <u>The formative role of s-subdivision will in-creating</u> e quality environments that ensures the District is a desirable place to live, visit, work and play is recognised through attention to design and servicing needs.</p> <p>27.2.1.3 Require that allotments are a suitable size and shape, and are able to be serviced and developed to for the anticipated land use of the applicable zone.</p> <p>27.2.1.7 Recognise there will be certain subdivision activities, such as boundary adjustments, that are undertaken only for ownership purposes and will not require the provision of services.</p> <p>27.2.2.3 <u>Locate</u> Open spaces and reserves are located in appropriate locations having regard to topography, accessibility, use and ease of maintenance, and are a practicable sizes for their intended use.</p> <p>27.2.2.7 Encourage innovative subdivision design that responds to the local context, climate, landforms and opportunities for views or shelter.</p> <p>Policies 27.2.4.1 Enhance biodiversity, riparian and amenity values by incorporating existing and planned waterways and vegetation into the design of subdivision, transport corridors and open spaces.</p>	<p>The amendments would see objectives and policies worded more succinctly and appropriately address relevant matters. Distinguishing those objectives and policies that apply in urban situations versus those that apply more generally would also help clarify the intent of the Plan.</p>

Submission point	Plan Provision	Relief sought (amended wording sought shown in underline strikeout)	Reasons
		<p>New policy: <u>Recognise and account for the effects subdivision can have on heritage items and protected features, archaeological sites and Maori culture and traditions in relation to ancestral lands, water, sites, wahi tapu and other taonga.</u></p> <p>27.2.4.7 Encourage initiatives to protect and enhance landscape, vegetation and indigenous biodiversity</p> <p>27.2.5.1 Integrate subdivision roading with the existing road networks in an efficient manner that reflects expected traffic levels and the provision for safe and convenient walking and cycling.</p> <p>27.2.5.2 Ensure safe and efficient pedestrian, cycle and vehicular access along roads and <u>to is provided to all lots created by subdivision and to all developments.</u></p> <p>27.2.5.4 Encourage the design of subdivision and roading networks to recognise and accommodate <u>pre-existing topographical features where this will not compromise design outcomes and the efficient use of land to ensure the physical and visual effects of subdivision and roading are minimised.</u></p> <p>27.2.5.7 Ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.</p> <p>27.2.5.9 Encourage, where practical, initiatives to reduce water demand and water use, such as roof rain water capture and use and greywater recycling.</p> <p>New policy <u>Manage stormwater to provide for public safety and where opportunities exist to maintain and enhance water quality</u></p>	

Submission point	Plan Provision	Relief sought (amended wording sought shown in underline strikeout)	Reasons
		<p>27.2.5.13 <u>Treating and disposing of sewage is provided for in a manner that is consistent with maintaining public health and avoids or mitigates adverse effects on the environment.</u></p> <p><u>New policy – When connecting to Council reticulated infrastructure ensure that there is sufficient capacity for the proposed development or that necessary upgrades can be reasonably expected to be undertaken.</u></p> <p>27.2.5.16 To <u>Ensure</u> adequate provision is made for the supply and installation of reticulated energy, including street lighting, and communication facilities while – <u>Providing</u> flexibility to cater for advances in telecommunication and computer media technology, particularly in remote locations and – <u>Ensure the method of reticulation is appropriate for the having regard to effects on visual amenity values of the area by generally requiring services are underground;</u></p> <p><u>New policy:</u> Have regard to the design, location and direction of lighting to avoid <u>provide for public safety and reduce upward light spill,</u> recognising the night sky as an element that contributes to the District's sense of place;</p> <p>27.2.6.2 <u>To</u> govern requirements for developers to meet or contribute to the costs of the provision of new services on contributions using powers available under the Local Government Act will be in accordance with Council's 10 Year Plan Development Contributions Policy.</p> <p>Policies 27.2.7.1 Create esplanades reserves or strips where opportunities exist, particularly where they would provide nature conservation, natural character, natural hazard mitigation, infrastructural or recreational benefits. <u>the subdivision is of large-scale or has an impact on the District's landscape. In particular,</u></p>	

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline</u> strikeout)	Reasons
		<p>Council will encourage esplanades where they:</p> <ul style="list-style-type: none"> ▲ are important for public access or recreation, would link with existing or planned trails, walkways or cycleways, or would create an opportunity for public access; ▲ have high actual or potential value with regard to the maintenance of indigenous biodiversity; ▲ comprise significant indigenous vegetation or significant habitats of indigenous fauna; ▲ are considered to comprise an integral part of an outstanding natural feature or landscape; ▲ would benefit from protection, in order to safeguard the life supporting capacity of the adjacent lake and river; ▲ would not put an inappropriate burden on Council, in terms of future maintenance costs or issues relating to natural hazards affecting the land. <p>Policies 27.2.8.1 Enable minor cross-lease and unit title subdivision of existing units without the need to obtain resource consent where there is no potential for adverse effects associated with the change in boundary location.</p> <p>27.2.8.2 Ensure boundary adjustment, cross-lease and unit title subdivisions are appropriate with regard to:</p> <ul style="list-style-type: none"> • The location of the proposed boundaries; • In rural areas, the location of boundaries with regard to approved residential building platforms, existing buildings, and vegetation patterns and existing or proposed accesses; • Boundary treatment; • Easements for access and services. <p><u>Subdivision in urban areas:</u></p> <p>27.2.2.1 <u>Ensure subdivision design provides a high level of amenity for future residents by Encourage</u> Aligning roads and allotments to</p>	

Submission point	Plan Provision	Relief sought (amended wording sought shown in underline strikeout)	Reasons
		<p><u>align in a manner that maximises sunlight access.</u></p> <p>27.2.2.2 Ensure subdivision design maximises the opportunity for buildings to front the road.</p> <p>27.2.2.4 Subdivision will have good and integrated connections and accessibility to existing and planned areas of <u>Design subdivisions to achieve connectivity between employment locations, community facilities, services, recreation facilities, trails, public transport and adjoining neighbourhoods.</u></p> <p>27.2.2.5 Encourage Subdivision design will provide for safe walking and cycling and discourage vehicle dependence through safe connections that reduce vehicle dependence between and within neighbourhoods the subdivision.</p> <p>27.2.2.9 Encourage informal surveillance for Promote safety by ensuring through overlooking of open spaces and transport corridors from are visible and overlooked by adjacent sites and dwellings and effective lighting.</p> <p>27.2.3 Objective– Recognise the potential of small scale and infill subdivision while acknowledging that in such instances the opportunities to undertake comprehensive design are limited. [and renumber this as a policy]</p>	
14	<p>Policy 28.3.1.2 Objective 28.3.2 Policy 28.3.2.2 Policy 28.3.2.3</p>	<p>Reconsider the extensive number of hazard related policies, remove unnecessary tautology and ensure they are focused on significant natural hazards only.</p>	<p>There are widespread areas in identified on Council's hazard database as being subject to at least some natural hazard risk (for example the lowest risk categories of liquefaction risk). It would be inefficient and unjustified for all resource consents in such locations to be required to assess natural hazard risks. A more practical approach is to focus on the avoidance or mitigation of</p>

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline</u>)	Reasons
15	36.5.3 Noise	Amend the assessment locations to include the Village Activity Area	significant natural hazard risk.
16	41.1 Zone Purpose	Delete	It is appropriate that noise limits apply to this part of the Zone.
17	Policy 41.2.1.13	<p>Amend as follows:</p> <p>Recognise the Residential (Hanley Downs) Activity Area and <u>Jacks Point Village</u> as being appropriate to accommodate residential development at a greater scale and intensity than elsewhere in the zone.</p>	<p>Given there is little if any weight can be given to zone purposes it would be more efficient to remove this section. The objectives and policies should provide sufficient direction on the intention of the zone.</p> <p>The recognition of the role and development capacity of the Residential (Hanley Downs) Activity Area is supported. Similar recognition should be provided to the Jacks Point Village which is also intended to accommodate intensive residential development.</p>
18	New Rule 41.4.3.6	<p>Add the following (<u>restricted discretionary status</u>):</p> <p>Within the <u>Open Space Community and Recreation Activity Area</u>, any <u>building</u>.</p> <p>Discretion is limited to:</p> <ul style="list-style-type: none"> - <u>the location and external appearance of buildings with respect to the effect of visual and landscape values of the area,</u> - <u>hazard avoidance and mitigation measures,</u> - <u>effects on safety and health arising from nearby activities,</u> - <u>Infrastructure and servicing,</u> - <u>Associated earthworks and landscaping,</u> - <u>Access and parking,</u> - <u>Bulk and location,</u> - <u>Exterior lighting.</u> 	<p>RCL considers that development should be enabled within this proposed activity area subject to considering the matters listed.</p>

Submission point	Plan Provision	Relief sought (amended wording sought shown in underline strikethrough)	Reasons
19	Rule 41.4.6.1	<p>Amend as follows:</p> <p>Within the R(HD) A – E and R(HD-SH) 1 Activity Areas, <u>two or more residential units on a site at a density exceeding any residential activity which results in either:</u></p> <p style="padding-left: 40px;">three or more attached residential units; or a density of more than one residential unit per 380 m² of net site area.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • External appearance. • Access and car parking. • Associated earthworks. • Landscaping. <p>Except that this rule shall not apply to:</p> <p style="padding-left: 40px;">A single residential unit on any site contained within a separate computer freehold register.</p> <p style="padding-left: 40px;">Residential units located on sites smaller than 550m² created pursuant to subdivision.</p>	<p>This rule can be simplified in the manner suggested. It is unlikely that attached units would not exceed a density of 380m² per site, so this part of the rule is unnecessary.</p>
20	Rule 41.4.9.1	<p>Delete:</p> <p style="padding-left: 40px;">Residential Activities Area (R) – the use of this area is restricted to residential activities.</p> <p>(at least as it applies to the Hanley Downs part of the Zone)</p> <p>Add as follows:</p> <p style="padding-left: 40px;"><u>Open Space Community and Recreation (OSCR) – the</u></p>	<p>Because other activities regulated have a specified activity status this rule is unnecessary and could confuse administration of the Plan.</p>
21	New rule 41.4.9.18	<p><u>Open Space Community and Recreation (OSCR) – the</u></p>	<p>Note also the amendment to the Structure Plan sought.</p> <p>RCL owns the bulk of this proposed activity area along with some land owned</p>

Submission point	Plan Provision	Relief sought (amended wording sought shown in underline strikeout)	Reasons
22	41.5.2.9	<p><u>use of this area is restricted to recreation amenities (including commercial recreation), playgrounds, landscaping, pedestrian and cycle trails, lighting, community activities, farming, stormwater retention, and underground services.</u></p> <p>Delete:</p> <p>Except as provided for in (41.5.2.6) above, any native vegetation required to be planted within this Zone shall:</p> <ul style="list-style-type: none"> include species appropriate to the ecosystems of the area being planted. Be capable of reaching 80% canopy closure for the ecosystem type being planted. Have eradicated any invasive plant pests the time of planting. Be maintained, with any plants that die or are diseased replaced. <p>Discretion is restricted to any effects on nature conservation values.</p>	<p>by QLD. This is a large parcel of land which is considered to have the potential to absorb some future development. RCL seeks flexibility for future uses of the land which would benefit the community at large, subject to standards controlling development set out in other rules.</p> <p>RCL is concerned about the practicality of this rule as it applies to the areas it owns and proposes to develop. It appears to be at odds with residential development and would prescribe outcomes that may be impractical or unsuitable for the intended uses of sites.</p>
23	41.5.3.3	<p>Delete:</p> <p>Open Spaces are shown indicatively, with their exact location and parameters to be established through the subdivision process. Development prior to such subdivision occurring, which would preclude the creation of these open spaces, shall be deemed to be</p>	<p>This rule can be deleted and open spaces added to the structure plan as requested below, thereby aiding the efficient administration of the Plan.</p>

Submission point	Plan Provision	Relief sought (amended wording sought shown in underline strikeout)	Reasons												
24	41.5.4.1	<p>Amend as follows:</p> <table border="1" data-bbox="422 1108 1141 1758"> <thead> <tr> <th>Activity Area</th> <th>Maximum Volume</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Residential Activity Areas Village Village Homestead Bay Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area</td> <td>500 m³</td> <td></td> </tr> <tr> <td>Open Space Landscape Open Space Amenity <u>Open Space Community and Recreation</u> Farm Preserve 1 and 2 Homesite</td> <td>1,000 m³</td> <td></td> </tr> <tr> <td>Open Space Golf Education Education Innovation Campus Lodge</td> <td>No maximum</td> <td></td> </tr> </tbody> </table>	Activity Area	Maximum Volume	Total	Residential Activity Areas Village Village Homestead Bay Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area	500 m ³		Open Space Landscape Open Space Amenity <u>Open Space Community and Recreation</u> Farm Preserve 1 and 2 Homesite	1,000 m ³		Open Space Golf Education Education Innovation Campus Lodge	No maximum		<p>The earthworks rules sought for this part of the zone would be appropriate given its characteristics.</p>
Activity Area	Maximum Volume	Total													
Residential Activity Areas Village Village Homestead Bay Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area	500 m ³														
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Open Space Golf Education Education Innovation Campus Lodge	No maximum														
25	41.5.4.2	<p>Height of cut and fill and slope</p> <p>OSL, OSG, OSA, <u>OSCR_FP-1</u> and 2, HS, E, EIC and L Activity Areas:</p> <ul style="list-style-type: none"> No road, track or access way shall have an upslope cut or batter greater than 1 metre in height, measured vertically. 	<p>The earthworks rules sought for this part of the zone would be appropriate given its characteristics.</p>												

Submission point	Plan Provision	Relief sought (amended wording sought shown in underline strikeout)	Reasons
26	41.5.5.1	<ul style="list-style-type: none"> • All cuts and batters shall be laid back such that their angle from the horizontal is no more than 65 degrees. • The maximum height of any fill shall not exceed 2 metres. <p>Buildings or structures shall be set back a minimum of 20m from the zone boundary, except this rule shall not apply to the Boating Facilities (BFA) Activity Area and the <u>Open Space Community and Recreation (OSCR)</u>.</p>	<p>There may be areas within 20m of the zone boundary within this activity area suitable for buildings. It is unnecessary to prevent or discourage such outcomes in the Plan when discretion is retained to consider the appropriateness of buildings in due course.</p>
27	41.5.5.2	<p>Buildings for all activities, except for buildings located on sites smaller than 550m² and created pursuant to subdivision, <u>and except for buildings in the Hanley Downs Residential Activity Area, the Hanley Downs State Highway Activity Area and the Village Activity Area</u> shall be subject to the following internal setback rules:</p> <p>Two setbacks of 4.5m, with all remaining setbacks of 2m; or One setback of 6m, one setback of 3.5m and all other setbacks of 2m;</p>	<p>RCL submits that there is an opportunity to simplify this method with subsequent changes set out below.</p>
28	41.5.5.4	<p>In the Residential (Hanley Downs) Activity Area, <u>the Hanley Downs State Highway Activity Area and the Village Activity Area:</u></p> <p>For commercial activities, community activities and visitor accommodation, buildings shall be set back at least 3 m from any road boundary.</p> <p>For all other activities, except for residential activities on sites smaller than 550m² and created by subdivision, buildings shall be set back 4.5m</p>	<p>This rule can be simplified using rules proposed. Side yards provide little usable space and in the interests of efficient use of land it is appropriate that side yard set backs be limited to 1m.</p>

Submission point	Plan Provision	Relief sought (amended wording sought shown in underline strikeout)	Reasons														
29	41.5.7.2	<p>from any road boundary</p> <p>Road boundary setback: 3m. All other boundaries: 1m.</p> <p>The following exceptions to this rule shall apply:</p> <ul style="list-style-type: none"> - <u>Accessory buildings for residential activities may be located within the set back distances, where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and comply with rules for Building Height and Recession Plane.</u> - <u>No set back is required where a wall is shared at a boundary</u> 															
30	41.5.12.2	<p>Delete:</p> <p>In the R(HD) and R(HD-SH) Activity Areas, except for sites smaller than 550m² and created by subdivision, fences located within a setback from a road shall be no higher than 1.2m in height, except that a fence of up to 1.8 m in height may be erected within the road setback for a maximum of 1/2 of the length of the road boundary of the site.</p> <p>The maximum height of buildings shall be:</p> <table border="0"> <tr> <td>Village (V) Activity Areas</td> <td>10m</td> </tr> <tr> <td>Farm buildings</td> <td>10m</td> </tr> <tr> <td>Residential (R) Activity Areas</td> <td>8m</td> </tr> <tr> <td>Farm Buildings and Craft (FBA) Activity Area</td> <td>8m</td> </tr> <tr> <td>Farm Preserve (FP-1) and (FP-2) Activity Areas</td> <td>8m</td> </tr> <tr> <td>Education Precinct (E) and Education Innovation Campus (EIC) Activity Areas</td> <td>10m</td> </tr> <tr> <td>Open Space Golf (OSG) Activity Area</td> <td>8m</td> </tr> </table>	Village (V) Activity Areas	10m	Farm buildings	10m	Residential (R) Activity Areas	8m	Farm Buildings and Craft (FBA) Activity Area	8m	Farm Preserve (FP-1) and (FP-2) Activity Areas	8m	Education Precinct (E) and Education Innovation Campus (EIC) Activity Areas	10m	Open Space Golf (OSG) Activity Area	8m	<p>While RCL agrees that controlling fence heights within front yards can be appropriate to promote neighbourhood amenity and safety, it is more efficient to deal with this matter via consent notices, private covenants or design review processes.</p>
Village (V) Activity Areas	10m																
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Submission point	Plan Provision	Relief sought (amended wording sought shown in underline strikeout)	Reasons
31	New rule after 41.5.12.2	<p>Lodge (L) Activity Areas 7.5m Homesite Activity Area 5m All other buildings and structures (excluding temporary filming towers erected during an event and for no more than 7 days either side of an event and buildings in the OSCR) 4m</p> <p>Restricted Discretionary to breach:</p> <p><u>The maximum height of buildings in the Open Space Community and Recreation Activity Area (OSCR) shall be 10m</u></p> <p><u>Discretion shall be limited to effects on landscape and visual amenity values and safety</u></p>	<p>Within this area RCL considers that the Plan should not need to prescribe a maximum height limit but allow proposals to be considered on their merits. This may allow activities to locate in the area that may struggle to find other suitable locations. Such height may prove appropriate given mitigating factors such as the low site coverage proposed.</p>
32	41.5.12.4	<p>Delete as follows:</p> <p><u>Within the R(HD) and R(HD-SH) Activity Areas:</u></p> <p><u>In addition to the maximum height of buildings above, within all R(HD) Activity Areas, except for:</u></p> <ul style="list-style-type: none"> — Sites smaller than 550m² created by subdivision. — A medium density residential development consented under Rule 41.4.6 <p><u>no part of any building shall protrude through a recession line inclined towards the site at an angle of 45° and commencing at 2.5m above ground level at any given point along any internal site boundary.</u></p> <p><u>Except that:</u></p> <ul style="list-style-type: none"> A gable or dormer may encroach beyond the recession lines where it is: no greater than 1m in height and width measured parallel to the nearest adjacent boundary no greater than 1m in depth measured horizontally at 90 degrees to 	<p>RCL is concerned that recession planes can promote poor built form outcomes and limit the efficient use of sites. It seeks that these rules be either deleted or amended to address its concerns and promote for best practice in low and medium density residential development.</p>

Submission point	Plan Provision	Relief sought (amended wording sought shown in underline strikeout)	Reasons
33	41.5.15.2	<p>the nearest adjacent boundary. A recession line restriction shall not apply to accessory buildings not common walls shared at a boundary and parts of buildings that do not extend beyond the length of that wall.</p> <p>Or provide for recession planes that are less restrictive of built form.</p> <p>Amend as follows:</p> <p>On any site within the EIC, R(HD), R(HD-SH), buildings shall not exceed a maximum building coverage of 50%, except:</p> <p>Residential activity consented under Rule 41.4.6 medium density residential housing, where a maximum site coverage of 70% shall apply;</p> <p>Any non-residential activity consented under Rule 41.4.7 where a maximum site coverage of 70% shall apply;</p> <p>This rule shall not apply to sites smaller than 55380m² created by subdivision.</p>	<p>For consistency purposes the additional site coverage enabled is best to apply on sites of 380m² or smaller. It is on these sites that RCL considers additional design controls should be considered at the time of subdivision which can provide for the appropriate consideration of site coverage controls depending on the site characteristics and suite of controls proposed.</p>
34	New 41.5.15.4	<p>Add new rule as follows (Restricted Discretionary to Breach):</p> <p><u>Within the Open Space Community and Recreation Activity Area the maximum site coverage shall be 10%</u></p> <p><u>Discretion is restricted to effects on landscape and visual amenity values.</u></p>	<p>It is appropriate that any buildings in this part of the Zone retain a low site coverage.</p>

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline</u> strikeout)	Reasons
	Jacks Point Structure Plan	Amend the structure plan to show the areas in attachment 1 to this submission as OSA and to show the area highlighted green in attachment 2 as OSCR.	<p>RCL has undertaken work to identify the appropriate extent of the OSA areas meaning these can be identified with more certainty, promoting efficient administration of the Plan.</p> <p>RCL owns the bulk of this proposed OSCR Activity Area along with some land owned by QLDC. This is a large parcel of land which is considered to have the potential to absorb some future development. RCL seeks flexibility for future uses of the land which would benefit the community at large, subject to standards controlling development set out in other rules.</p>
35	Section 41	Retain all provisions in Section 41 not otherwise submitted upon in this submission as notified.	
36	Designation 567	Reduce the area of the designation to the extent of the Aurora substation easement being that part marked "G" on the title for Lot 12 DP 364700	It is not reasonable for the entire Lot 12 DP 364700 to be designated for this purpose given the extent of Aurora's interests and easement. This is assumed to be an error which RCL seeks be rectified.

'P'

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-

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 Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited

Appellant

And **Queenstown Lakes District Council**

Respondent

Notice of Appeal

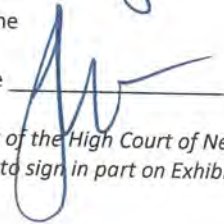
19 June 2018

Exhibit Note

This is the annexure marked "P" referred to in the annexed affidavit of *Ian William Bayliss* which was sworn at *Queenstown* this *3* day of *August 2018*

before me

Signature



Kate M. Andrew
Solicitor
Queenstown

*A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)*

Appellant's solicitors:

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Anderson Lloyd
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**anderson
lloyd.**

To The Registrar
Environment Court
Christchurch

- 1 Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited (**Jacks Point**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 Jacks Point made submissions (#762) (#856) and further submission (#1275) on the PDP.
- 3 Jacks Point is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Jacks Point 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:
 - (a) Chapter 3 Strategic Direction;
 - (b) Chapter 4 Urban Growth;
 - (c) Chapter 6 Landscapes;
 - (d) Chapter 27 Subdivision;
 - (e) Chapter 41 Jacks Point;
 - (f) Map 13 and chapter 44 (rezoning requests).

Reasons for appeal and relief sought

Background

- 7 Jacks Point are owners, developers and proponents of the masterplanned community in the area known as the Jacks Point Resort Zone under the operative District Plan. That zone forms three distinct components: Jacks Point, Henley Downs and Homestead Bay, which are part of the wider Coneburn Area.
- 8 Since its creation, development within the zone has been mostly restricted to the land located within the Jacks Point part of the Zone. This has included

establishing several residential neighbourhoods, the Golf Course, Club House and investing significantly in the formation of vehicle access, water supply, wastewater treatment and stormwater infrastructure. In addition the emerging settlement includes large areas of open space that have been established to provide areas of private amenity, native vegetation enhancement, public trails and landscape protection.

- 9 Jacks Point has worked together with the Council on the formulation of a new Jacks Point Zone, including the design of a single structure plan for the wider Jacks Point area, drafting new and updated provisions, section 32 reports, specialist landscape reports, consultation and other background investigations.
- 10 Jacks Point opposes those parts of the PDP relevant to the Jacks Point Zone (**JPZ**) which are contrary to the JPZ purpose and philosophy and will not achieve Part 2 of the RMA, particularly in facilitating efficient use, development and protection of resources.
- 11 An overview of those parts of the PDP are summarised below with reasons for appeal given and description of scope of relief sought. The specific provisions of the PDP and the relief sought by Jacks Point are set out in **Appendix A** to this Appeal.
- 12 Specific relief sought in respect of Chapter 41, and the JPZ Structure Plan are included in **Appendix B** to this Appeal.

Chapter 3 Strategic Direction

- 13 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 Jacks Point interests are affected by Chapter 3.
- 14 The reasons for appealing, and description of the scope of the relief sought are:
 - (a) Jacks Point has strategic significance as a mixed use resource zone for the wider District. Accordingly, the JPZ should be specifically recognised at the strategic level Chapter 3 in similar as other specific resort and commercial / community zones are (including Frankton and Three Parks).
 - (b) The primacy given to farming over other land uses, and associated protection of the character of the landscape is misplaced and inappropriate.
 - (c) The direction in respect of new urban development's integration with existing and planned future infrastructure is unclear. Development of private infrastructure should not be discouraged.

- (d) The emphasis for quality built environment is too narrow in only focusing on the character of individual communities' historic heritage values. Integration with the surrounding environment should be referenced at the Strategic Objective level also.
 - (e) Rather than simple reference to protection of Outstanding Natural Landscapes and Outstanding Natural Features, the focus should be on protecting the specific values and features of ONLs and ONFs from inappropriate development.
 - (f) The blunt classification of anything that is "more than minor and/or not temporary in duration" as an inappropriate activity on an ONL/ONF is unnecessarily restrictive, as depending on the specific character of the ONL/ONF, and the wider context, there are other uses that are not inappropriate.
- 15 The specific provisions of Chapter 3 and the relief sought by Jacks Point are set out in **Appendix A** to this Appeal.

Chapter 4 Urban Growth

- 16 The reasons for appealing, and description of the scope of the relief sought are:
- (a) The provisions of the PDP seek to play a much greater role in the management of urban growth. The relevant new objectives and policies seek to introduce controls on Urban Development in particular through the creation of Urban Growth Boundaries. The focus of the policies is on the concentration of urban development within existing urban areas and related settlements together with the introduction of stronger policies to avoid urban development within rural areas.
 - (b) If urban growth boundaries are to be retained, Jacks Point seeks a clearer and more efficient regime for their future amendments to account for the Queenstown Lakes District as a High Growth Area under the National Policy Statement Urban Development 2016.
 - (c) The provisions of Chapter 4 should also be amended to ensure that urban growth within those urban growth boundaries are not unnecessarily restricted, and are not used as buffers for adjacent urban development occurring in areas not within an urban growth boundary.
 - (d) Specific recognition needs to be made for the relationship between UGBs and ONF / ONLs where those are overlapping, such as is the case for parts of the JPZ. Development within the UGB and ONL in such

circumstances should not be unnecessarily restricted where this will otherwise achieve the protection of ONFIs from inappropriate development.

17 The specific provisions of Chapter 4 and the relief sought by Jacks Point are set out in **Appendix A** to this Appeal.

Chapter 6 Landscapes

18 The reasons for appealing, and description of the scope of the relief sought are:

- (a) Jacks Point opposes those landscape provisions which establish a more than minor threshold or transience of effects into the determination of what is appropriate development in a landscape. This is a higher standard than that which is provided for in section 6(b) of the Act and is unjustified where the legislature has provided that such landscapes are only required to be protected from 'inappropriate' development. What is appropriate or inappropriate in a particular landscape, and based on a particular proposal may be a broader question than simply a more than minor effects assessment.
- (b) Jacks Point considers that the PDP is fundamentally flawed in recognising that over 97% of the District is classified as a section 6(b) landscape and requests that landscape mapping be undertaken from a first principles landscape basis, applying the criterion that such landscapes to qualify must be 'outstanding or preeminent within the District'.
- (c) It is inappropriate that the classifications ONL and ONF and associated provisions as now decided, should apply to a Special Zone within the UGB.
- (d) There is insufficient recognition of the need to assess any development against the specific values, characteristics and features of the landscape, and the potential benefits of subdivision and development where the landscape is such that it has capacity to absorb.

19 The specific provisions of Chapter 6 and the relief sought by Jacks Point are set out in **Appendix A** to this Appeal.

Chapter 27 Subdivision and Development

20 Rule 27.6.1 is opposed to the extent that the relationship between the subdivision rule and the density standards in chapter 41 is unclear. The specific relief sought by Jacks Point is set out in **Appendix A** to this Appeal.

Chapter 41 Jacks Point Zone and Structure Plan

Policies opposed

- 21 The reasons for appealing, and description of the scope of the relief sought are:
- (a) Changes are sought to the policies of Chapter 41 to provide for the purpose of the Zone, which is to provide for residential, rural living, commercial, community and visitor accommodation in a high quality sustainable environment comprising residential areas, two mixed use villages and a variety of recreation opportunities and community benefits including access to public open space and amenities.
 - (b) The overall framework of the JPZ better should more specifically provide for the character, values and features of the JPZ landscape rather than leaving matters not specified.
 - (c) The structure plan approach to planning the development of JPS is central to the integrated development philosophy of JPZ. Amendments to 'require activities to be located in accordance with a structure plan' rather than the policy directing 'use of a structure plan' unnecessarily restrictive. (See amendments to policy 41.2.1.1).
 - (d) The Comprehensive Development Plan approach relevant to future subdivision and development of the village activity areas has been fundamentally misunderstood and the resulting policy 41.2.1.19 is potentially ultra vires and unworkable.
 - (e) Policies in respect of the Village require amendment in order to support and enable commercial, community, visitor accommodation and residential activities within the Village as permitted activities, in accordance with a comprehensive development plan framework.
 - (f) Policies restricting the anticipated use of the Education Activity area, to just education and day care facilities, represent an unnecessary restriction on the use of land adjacent to the village. The optimum outcome is a Village activity area integrated with the Education Activity Area, incorporating a range of activities and services vital to a vibrant, sustainable, diverse community including health care.
 - (g) Amendments to open space provisions seeking to avoid buildings and recognise the contribution of open space to amenity and residential outlook are opposed. These amendments duplicate specific landscape provisions already included within the JPZ and do not match the associated

discretionary activity status for development in OSG and OSA activity areas. (See amendments to policy 41.2.1.21 and 41.2.1.22).

- (h) Amendments to the policy in respect of mining have the effect of constraining the enablement of mining activities solely within the OSG Activity Area which is an efficient use of a site specific/site constrained resource.(Policy 41.2.1.24)
 - (i) Amendments to the policy in respect of native revegetation are required to provide clearer direction as to location and extent of anticipated revegetation (Policy 41.2.1.28).
- 22 The specific provisions of Chapter 41 and the relief sought by Jacks Point are set out in **Appendix A** to this Appeal, and alternative relief as referenced in **Appendix C**.

Structure plan and activity areas opposed

- 23 The reasons for appealing, and description of the scope of the relief sought are:
- (a) The Structure Plan Legend is incorrect. The polygon shading that has been used on the Jacks Point Structure Plan to depict the extents of the various Landscape Protection Areas does not align with the correct notation of these areas in the Structure Plan Legend.
 - (b) The Outstanding Natural Landscape Line and boundary of the Peninsula Hill Landscape Protection Area (**PHLPA**) is incorrect and not in accordance with the boundary agreed by all the experts at the hearing. In addition, Jacks Point seeks a change to policy 6.6.3 seeking a separate regulatory regime for the Jacks Point Zone and excluding the Zone from the ONL category and associated objectives and policies. The line should either be deleted from the Structure Plan and Map 41, or corrected as per the attached **Appendix B**.
 - (c) The classification of the entire Peninsula Hill Open Space Landscape Activity Area as the PHLPA is incorrect and inconsistent with the expert evidence and updated Coneburn Resources Study for the purpose of the Structure Plan, namely identifying areas capable of absorbing appropriate development.
 - (d) The refusal to show a portion of the Public Access Route through the OSL area on Peninsula Hill results in a reduction of certainty for provision of public access and improved trail network. The route for Public Access through R(HD)E is also incorrect.

- (e) The refusal to include Preserve Homesites HS57 and 58 is contrary to expert evidence that those sites have the ability to absorb development and the corresponding planning framework that will ensure sufficient control is in place to protect the particular values and characteristics of those sites. These are sought to be included as shown on Appendix B, or in the alternative provisions amended to enable dwellings on Peninsula Hill in areas capable of absorbing development.
- (f) The deletion of any activity area on the site notified as EIC, and through the hearing amended to R(HD-SH)3 is opposed and represents an inefficient classification of land the Decision itself stated was suitable for residential development. This is sought to be reinstated in a form and with associated provisions either as notified (as Education Innovation Campus Activity Area) or as R(HD-SH)3 or similar.
- (g) The deletion of an area of OSA Activity Area along both sides of Woolshed Road and inclusion with Activity Area R(HD) – A is unjustified and should be reinstated.
- (h) Inclusion of a new Rural Living Activity Area (and associated provisions) in place of the old R(HD) – F and G Activity Areas is opposed as the expert evidence supported the Activity Areas and associated provisions as enabled an appropriate nature and scale of development. It is sought that the F and G Activity Areas and associated provisions be reinstated, or other changes made to ensure development is enabled to a similar degree as that notified.
- (i) The rezoning the area of OSL alongside the State Highway and wastewater disposal area as OSG is opposed as that classification would enable inappropriate activities for those sites.
- (j) The rezoning of a part of the OSL between the State Highway Landscape Protection Area and the Residential Jacks Point State Highway Activity Area 1 – 4 as OSA is opposed as that classification would enable inappropriate activities for this area.
- (k) The Jacks Point entities sought that the Education Activity Area shown on the Structure Plan as notified be removed and replaced with an extension of the Jacks Point Village (V(JP)-B). The Council decision retained the extent of the Village and Education Activity Areas as notified. The Appellant seeks to delete the E activity area and replace it with the extended V(JP)-B as shown in **Appendix B**.
- (l) Amending the boundary of the OSG west of the Village to follow the bottom of the Tablelands overlay results in a large area of former OSG located

between the new OSG and the Village that is not labelled as being within any activity area and therefore technically subject to no provisions. This obvious error requires amendment by reinserting OSG as shown in **Appendix B**.

- (m) Amending the boundary of the Tablelands Overlay to follow the northern side of the Jacks Point landform and not over the area of OSL (incorrectly shown as OSG).
- (n) The northern end of the Willow Pond land where the boundary of the OSG has been lifted uphill to follow the tablelands overlay and left an area west of Activity Area R(HD) – E not labelled as being within any activity area. This area should be reinstated as OSG as shown in **Appendix C**.
- (o) Deletion of existing (operative and notified) Homesite 36 is opposed and obviously an error, as no submitter sought its deletion. Para 286 of the Decision indicates support for retention of HS 36 in its operative site, therefore its complete deletion appears to be in a mapping error. The proposed HS 36 site is located in an area capable of absorbing the change and provide for ecological and landscape enhancement benefits and should be reinserted onto the Structure Plan as shown on **Appendix C**
- (p) The deletion of proposed new Homesites, 37, 39, 40 is opposed. These proposed homesites are located in areas of the landscape capable of absorbing such change and provide for ecological and landscape enhancement benefits and should be inserted as shown on **Appendix C**. In the alternative the Activity Area FP-1 and associated provisions as notified should be put in place for the Tablelands and directly adjacent to Willow Pond (outside of the Tablelands).
- (q) New L(3) activity area is beyond scope as it was only sought for parking. It should be reclassified and the Structure Plan and provisions amended accordingly.
- (r) The R(HD)B area has been incorrectly extended into the OSA Areas that separate R(JP)3 and R(HD)B.

Activity tables and status opposed

24 The reasons for appealing the activity rules and standards are related to the following matters generally, set out in detail in: **Appendix A**, along with detailed relief sought:

- (a) Classification of residential activities in Rural Living Areas (41.4.1.3);

- (b) Treatment of medium density residential in R(JP)1-3 and R(JP-SH)4 (41.4.1.6);
- (c) Treatment of visitor accommodation in R(HD)E (41.4.1.8);

- (d) Amended controlled activity rule 41.4.2.1 requires that development of the Village activity areas must be in accordance with a Comprehensive Development Plan 'incorporated into the District Plan'. The intention of a CPD approach in a controlled activity framework was to ensure this was an information requirement to support a resource consent application made under this rule, the recommendations version now requires that CDP to be incorporated into the District Plan (presume via way of private plan change) which is uncertain, onerous, and potentially ultra vires.
- (e) The activities anticipated within the Lodge Activity Area (3) is inconsistent with that as sought at the hearing (41.4.3.1);
- (f) Provision for ancillary buildings, mining, utilities, infrastructure and vehicle access in OSG (41.4.4.1, 41.4.4.3, 41.4.4.4);
- (g) Provision for activities in the OSL (41.4.4.5 , 41.4.4.6 41.4.4.7);
- (h) Treatment of activities in OSA (41.4.4.8, 41.4.4.10);
- (i) Classification of residential activity in Homesite activity areas (41.4.4.7);
- (j) Informal airports (41.4.5.3);
- (k) Treatment of density requirements throughout the residential activity areas (41.5.1.1);
- (l) Inconsistent application of recession plane requirements (41.5.1.4);
- (m) Restrictions on medium density residential activity generally, and building coverage for medium density housing in the Henley Downs Activity Areas (41.4.1.5 and 41.5.15.2);
- (n) The error in applying the cap on commercial areas which as notified applied to R(HD) A – E, but as decided applied to just R(HD)A with no cap on the remaining areas (41.5.9.3);
- (o) Scale of commercial activities (41.5.2.1);
- (p) Lack of clarity as to application of the building coverage standard for the Village (41.5.2.3);

- (q) Imposition of a restriction to 3 storeys for buildings in the Jacks Point Village (41.5.2.4);
- (r) Boundaries of Open Space Areas (41.5.4.1);
- (s) Farm buildings in the Open Space Landscape Protection Area (41.5.4.9);
- (t) Planting and cultivation in the Landscape Protection and Tablelands Areas (41.5.4.10);
- (u) Open Space Wetlands (41.4.4.16 and 41.5.4.15);
- (v) Servicing for Homesite Activity Areas (41.5.5.10);

Provisions supported

- 25 Jacks Point specifically supports the following amendments to the PDP, and none of the relief sought is intended to impact the below:
- (a) Consolidation of the open space activity areas
 - (b) Expansion to R(JP)-1 Activity Area boundary to include recently consented, additional, residential development within Lot 400
 - (c) Amendments to the boundaries of the R(JP) – 2a Activity Area
 - (d) Amendments to the boundaries of the R(JP-SH) – 4 Activity Area
 - (e) Amendments to the Jacks Point Village Activity Area (expanded from 15.07ha – 18.7ha in area)
 - (f) Creation of the new R(HD-SH) – 1 and 2 Activity Areas
- 26 Any opposition to these amendments through further appeals are opposed by Jacks Point.

Planning Map 13 and rezoning proposals

- 27 Jacks Point further submitted on submissions to the PDP seeking alternative zoning outcomes to that which was notified in the PDP and would potentially undermine or be inconsistent with the JPZ.
- 28 Those rezoning proposals which Jacks Point appeals are set out in **Appendix A** to this appeal, with specific reasons for the opposition to rezoning.

Further and consequential relief sought

29 Jacks Point opposes any alternative provisions contrary to the outcomes sought in this Appeal, and seeks alternative, consequential, or necessary additional relief to that set out in this appeal and to give effect to the matters raised generally in this appeal and Jacks Point's PDP submissions.

Attachments

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

- (a) **Appendix A** – Primary relief sought to PDP chapters 3, 6, 27 and 41;
- (b) **Appendix B** – Relief sought to Planning Map and Structure Plan;
- (c) **Appendix C** – Versions of Chapters 41 as sought at the close of Commissioner hearing, relevant to alternative relief.
- (d) **Appendix D** – A copy of the Appellant's submission and further submissions;
- (e) **Appendix E** - A copy of the relevant parts of the decision; and
- (f) **Appendix F** - A list of names and addresses of persons to be served with this notice.

Dated this 19th day of June 2019



Maree Baker-Galloway/Rosie Hill
Counsel for the Appellant

Address for service of the Appellants

Anderson Lloyd

Level 2, 13 Camp Street

PO Box 201

Queenstown 9300

Phone: 03 450 0700 Fax: 03 450 0799

Email: maree.baker-galloway@al.nz | rosie.hill@al.nz

Contact persons: Maree Baker-Galloway | Rosie Hill

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.

Appendix A - Relief sought

Provision (PDP decision version)	Reason for appeal	Relief sought
Chapter 3 Strategic Direction		
<p>Strategic objective 3.2.1.5</p> <p>Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres, Frankton and Three Parks, are sustained.</p>	<p>The objective is inconsistent with the specific purpose of the Jacks Point Village and other non-residential activity areas for this objective to refer only to "sustaining" the local service and employment functions of area outside of Queenstown and Wanaka town centres, Frankton and Three Parks, when the Jacks Point Village and other non-residential activity areas are yet to be developed.</p> <p>The objective should ensure the recognition and development of the provision of such services outside of the identified areas, and their extension where this is not currently completed rather than sustaining existing levels of service. If the objective is not to be amended in this way, then the Appellant seeks specific inclusion of Jacks Point in the list of inclusionary commercial centres.</p>	<p>Amend objective 3.2.1.5 as follows:</p> <p>Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres, Frankton and Three Parks, are sustained <u>and enhanced.</u></p>
<p>New objective 3.2.1.x</p>	<p>The Appellant seeks recognition of the Jacks Point Village specifically as a key contributor to SO 3.2.1 (development of a prosperous, resilient and equitable economy in the District). The JPZ commercial and mixed-use areas are also comparable in terms of size and contribution of employment to Three Parks in</p>	<p>Add new strategic objective 3.2.1.x as follows:</p> <p><u>3.2.x The key functions of the Jacks Point Village and Education Innovation Campus provides for a mixed-use hub</u></p>

Provision (PDP decision version)	Reason for appeal	Relief sought
Strategic objective 3.2.2.1.(e) Protect the District's rural landscapes from sporadic and sprawling development.	Wanaka. The sub para (e) reference to "sporadic and sprawling development" is uncertain.	Amend 3.2.2.1.(e) as follows: Protect the District's rural landscapes from <u>urban sprawl</u> <u>sporadic-and-sprawling-development</u> .
Strategic objective 3.2.2.1(h) h. be integrated with existing, and planned future, infrastructure	Sub para (h) currently ensures urban development occurs so as to 'be integrated with existing and planned future infrastructure'. This could pose a risk to infrastructure which is private and what the interpretation of 'planned future' infrastructure will be.	Amend objective 3.2.2.1(h) as follows: <u>be coordinated with the design and development of infrastructure growth and redevelopment planning</u>
New Strategic objective 3.2.3	This is a sound objective however is only supported by recognition of historic heritage values. This should also recognise the importance of quality urban design and development which provides for an integrated built form reflecting the surrounding environment.	Include new SO 3.2.3.2 as follows: <u>Built form expresses the individual character and values of those communities and integrates well with its surrounding environment by quality urban design planning</u>
New strategic policy 3.3.x	Seek recognition of Jacks Point Village specifically as a key contributor to SO 3.2.1 (development of a prosperous, resilient and equitable economy in the District), also comparable in terms of	Include new strategic policy 3.3.x as follows: <u>3.3.x Provide a planning framework for the mixed use community Jacks Point Village which contributes to the vibrant mixed use</u>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Strategic policy 3.3.10</p> <p>Avoid commercial rezoning that would undermine the key local service and employment function role that the centres outside of the Queenstown and Wanaka town centres, Frankton, <u>Jacks Point Village</u> and Three Parks fulfil. (relevant to S.O. 3.2.1.5)</p>	<p>contribution of employment to commercial three parks</p> <p>This policy should be amended to include recognition of the mixed-use hub of the JPZ Village. There is no justification for distinction between the protection of the Village at the higher order, as compared to Three Parks.</p>	<p>hub of the <u>Jacks Point Zone</u>. (relates to SO 3.2.1.x)</p> <p>Amend strategic policy 3.3.10 as follows</p> <p>Avoid commercial rezoning that would undermine the key local service and employment function role that the centres outside of the Queenstown and Wanaka town centres, Frankton, <u>Jacks Point Village</u> and Three Parks fulfil. (relevant to S.O. 3.2.1.5)</p>
Chapter 6 Landscapes		
<p>Policy 6.3.3</p> <p>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).</p>	<p>The Appellants seek clarification that landscape categories do not apply to RR, RLZ, and special zones as those are areas which have been identified as suitable for further development. Clarify whether 'special zones' is useful terminology (i.e. it is currently unclear whether this covers Jacks Point).</p>	<p>Amend policy 6.3.3 as follows:</p> <p>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, and <u>Jacks Point Zone</u> 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).</p>
Chapter 41 Jacks Point		

'Q'

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-000093

Under the Resource Management Act 1991

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 **Queenstown Airport Corporation Limited**
Appellant

And **Queenstown Lakes District Council**
Respondent

Notice of Jacks Point wish to be party to proceedings pursuant to section 274 RMA

10 July 2018

Exhibit Note

This is the annexure marked "Q" referred to in the annexed affidavit of *Ian William Bayliss* which was sworn at *Queenstown* this *3* day of *August* 2018

before me

Signature

[Handwritten Signature]
A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

Kate M. Andrew
Solicitor
Queenstown

Section 274 party's solicitors:
Maree Baker-Galloway | Rosie Hill
Anderson Lloyd
Level 2, 13 Camp Street, Queenstown 9300
PO Box 201, Queenstown 9348
DX Box ZP95010 Queenstown
p + 64 3 450 0700 | f + 64 3 450 0799
maree.baker-galloway@al.nz | rosie.hill@al.nz

**anderson
lloyd.**

To: The Registrar
Environment Court
Christchurch

- 1 Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited (**Jacks Point and others**) wish to be a party pursuant to section 274 of the RMA to the following proceedings:

Queenstown Airport Corporation v Queenstown Lakes District Council (ENV-2018-CHC-000093) being an appeal against decisions of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).

- 2 Jacks Point and others is a person who made a submission about the subject matter of the proceedings.
- 3 Jacks Point and others is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
- 4 Jacks Point and others is interested in all of the proceedings.
- 5 Without derogating from the generality of the above, Jacks Point and others is interested in the following particular issues:
- 6 **Chapter 3: Strategic Direction**
 - (a) The amendments and provisions sought in respect of regionally significant infrastructure.
 - (i) DPL opposes the relief sought because the effect of the provisions is unclear and will elevate the importance of infrastructure over other activities and values which may be adversely affected by the operation or establishment of infrastructure in a manner that is inconsistent with other objectives and policies in Chapter 3.
- 7 **Chapter 3: Strategic Direction**
 - (a) Amend Policy 3.2.2.1 to include a subparagraph that seeks to restrict development to areas that avoid reverse sensitivity effects unless those effects can be adequately managed
 - (i) Jacks Point and others opposes the relief sought because the term 'reverse sensitivity' is not defined and there is the potential for it to

be applied broadly potentially encompassing a number of activities and locations. The term 'regionally significant infrastructure' is also undefined. It is unclear how the proposed amendments to restrict the development of land to areas that avoid reverse sensitivity effects would be applied or what activities they will apply to.

8 Chapter 4: Urban Development

- (a) The amendments and provisions sought in respect of regionally significant infrastructure;
 - (i) Jacks Point and others supports the relief in part because the role of infrastructure in enabling the community to provide for its socioeconomic wellbeing can be significant. However, it is unclear if the proposed amendments to these provisions will achieve Objective 3.2.1 The development of a prosperous, resilient and equitable economy in the District and other Strategic Objectives in Chapter 3.
 - (ii) The term 'reverse sensitivity' is not defined and there is the potential for it to be applied broadly potentially encompassing a number of activities and locations. The term 'regionally significant infrastructure' is also undefined. It is unclear how the proposed amendments to restrict the development of land to areas that avoid reverse sensitivity effects would be applied or what activities they will apply to.
 - (iii) The proposed changes elevate the importance of infrastructure over other activities and values which may be adversely affected by the operation or establishment of infrastructure in a manner that is inconsistent with other objectives and policies in Chapter 3. Infrastructure related reverse sensitivity issues for urban areas should be addressed at the time of zoning.

9 Chapter 6: Landscapes and Rural Character

- (a) Amend policies 6.3.12, 6.3.17, 6.3.18, 6.3.19, 6.3.24, 6.3.25, 6.3.26 to:
 - (i) (a) better recognise the hierarchy and terminology set out in Part 2 of the Act; and
 - (ii) (b) give effect to the Proposed Regional Policy Statement and more specifically, the land use management framework established for Regionally Significant Infrastructure.
- (b) Jacks Point and others supports the relief in part because:

- (i) Ensuring that the policies of section 6 recognise the hierarchy of Part 2 of the Act and give effect to the Proposed Regional Policy Statement is supported however is unclear to what extent changes are required to ensure the overall objectives of Part 2 are achieved.

10 **Chapter 21: Rural Zone**

- (a) Amend assessment matter 21.21.1 to:
 - (i) better recognise the hierarchy and terminology set out in Part 2 of the Act; and
 - (ii) (b) give effect to the Proposed Regional Policy Statement and more specifically, the land use management framework established for Regionally Significant Infrastructure.
- (b) Jacks Point and others supports the relief in part because:
 - (i) Ensuring that the assessment matters in section 21.21.1 recognise the hierarchy of Part 2 of the Act and give effect to the Proposed Regional Policy Statement is supported, however is unclear to what extent changes are required to ensure the overall objectives of Part 2 are achieved.

- 11 Jacks Point and others agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 10th day of July 2018

Maree Baker-Galloway

Maree Baker-Galloway/Rosie Hill
Counsel for the section 274 party

Address for service of person wishing to be a party

Anderson Lloyd
Level 2, 13 Camp Street
PO Box 201

Queenstown 9300

Phone: 03 450 0700 Fax: 03 450 0799

Email: maree.baker-galloway@al.nz | rosie.hill@al.nz

Contact persons: Maree Baker-Galloway | Rosie Hill

Advice

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

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-000126

Under the Resource Management Act 1991

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 **Remarkables Park Limited**
Appellant

And **Queenstown Lakes District Council**
Respondent

Notice of Jacks Point wish to be party to proceedings pursuant to section 274 RMA

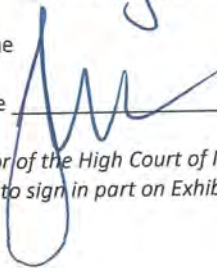
10 July 2018

Exhibit Note

This is the annexure marked "R" referred to in the annexed affidavit of Ian William Bayliss which was sworn at Queenstown this 3 day of August 2018

before me

Signature



*A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)*

Kate M. Andrew
Solicitor
Queenstown

Section 274 party's solicitors:
Maree Baker-Galloway | Rosie Hill
Anderson Lloyd
Level 2, 13 Camp Street, Queenstown 9300
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DX Box ZP95010 Queenstown
p + 64 3 450 0700 | f + 64 3 450 0799
maree.baker-galloway@al.nz | rosie.hill@al.nz

**anderson
lloyd.**

To: The Registrar
Environment Court
Christchurch

-
- 1 Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited (**Jacks Point and others**) wish to be a party pursuant to section 274 of the RMA to the following proceedings:

Remarkables Park Limited v Queenstown Lakes District Council (ENV-2018-CHC-000126) being an appeal against decisions of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).

- 2 Jacks Point and others is a person who made a submission about the subject matter of the proceedings.
- 3 Jacks Point and others is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
- 4 Jacks Point and others is interested in all of the proceedings.
- 5 Without derogating from the generality of the above, Jacks Point and others is interested in the following particular issues:

Chapter 4 Urban Development

- (a) Jacks Point supports amendments to provisions of Chapter 4 to expressly provide for exemptions to the restrictions on urban development outside of the urban growth boundary and/or acknowledgement of the appropriateness of urban components to development in rural areas in supported as a sustainable and appropriate outcome in some instances to satisfy the objectives of the Plan and Part 2 of the Act.

Chapter 6 Landscapes

- (b) Jacks Point supports the relief seeking additional policies expressly recognising tourism and commercial development and the benefits of diversification are supported as being appropriate for the sustainable management of the District's rural land resource.
- 6 Jacks Point and others agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 10th day of July 2018

Maree Baker-Galloway

Maree Baker-Galloway/Rosie Hill
Counsel for the section 274 party

Address for service of person wishing to be a party

Anderson Lloyd

Level 2, 13 Camp Street

PO Box 201

Queenstown 9300

Phone: 03 450 0700 Fax: 03 450 0799

Email: maree.baker-galloway@al.nz | rosie.hill@al.nz

Contact persons: Maree Baker-Galloway | Rosie Hill

Advice

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

S

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-000127

Under the Resource Management Act 1991

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 **Queenstown Park Limited**
Appellant

And **Queenstown Lakes District Council**
Respondent

Notice of Jacks Point and others' wish to be party to proceedings pursuant to section 274 RMA

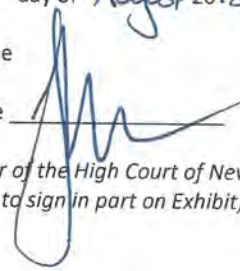
10 July 2018

Exhibit Note

This is the annexure marked "S" referred to in the annexed affidavit of Ian William Bayliss which was sworn at Queenstown this 3 day of August 2018

before me

Signature



Kate M. Andrew
Solicitor
Queenstown

*A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)*

Section 274 party's solicitors:
Maree Baker-Galloway | Rosie Hill
Anderson Lloyd
Level 2, 13 Camp Street, Queenstown 9300
PO Box 201, Queenstown 9348
DX Box ZP95010 Queenstown
p + 64 3 450 0700 | f + 64 3 450 0799
maree.baker-galloway@al.nz | rosie.hill@al.nz

**anderson
lloyd.**

To: The Registrar
Environment Court
Christchurch

- 1 Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited (**Jacks Point and others**) wish to be a party pursuant to section 274 of the RMA to the following proceedings:

Queenstown Park Limited v Queenstown Lakes District Council (ENV-2018-CHC-000127) being an appeal against decisions of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).

- 2 Jacks Point and others is a person who made a submission about the subject matter of the proceedings.
- 3 Jacks Point and others is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
- 4 Jacks Point and others is interested in all of the proceedings.
- 5 Without derogating from the generality of the above, Jacks Point and others is interested in the following particular issues:
- 6 **Chapter 6 Landscapes**
 - (a) Add a new policy "Tourism and associated activities may need to be located within Outstanding Natural Landscapes for functional reasons".
 - (i) Jacks Point and others supports the relief sought because the suggested policy provides an appropriate addition to the suite of other policies relating to the management of Outstanding Natural Landscapes.
- 7 Jacks Point and others agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 10th day of July 2018

Maree Baker-Galloway

Maree Baker-Galloway/Rosie Hill
Counsel for the section 274 party

Address for service of person wishing to be a party

Anderson Lloyd

Level 2, 13 Camp Street

PO Box 201

Queenstown 9300

Phone: 03 450 0700 Fax: 03 450 0799

Email: maree.baker-galloway@al.nz | rosie.hill@al.nz

Contact persons: Maree Baker-Galloway | Rosie Hill

Advice

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

' T '

**SUBMISSION ON THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991**

To: Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Submitter: Glendhu Bay Trustees Limited
C/- Boffa Miskell Ltd
PO Box 110
CHRISTCHURCH

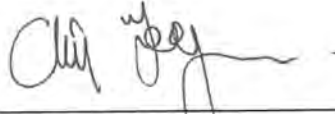
Attention: Chris Ferguson, Planner
Phone: (03) 353 7568
Mobile: 021 907 773
Email: Chris.Ferguson@boffamiskell.co.nz

Glendhu Bay Trustees Limited ("GBT") makes the submissions on the Proposed Queenstown Lakes District Plan ("PDP") set out in the **attached** document.

GBT confirms their submission does not relate to trade competition or the effects of trade competition.

GBT would like to be heard in support of its submission.

If other persons make a similar submission then GBT would consider presenting joint evidence at the time of the hearing.



Chris Ferguson

Glendhu Bay Trustees Limited

23rd day of October 2015

Exhibit Note

This is the annexure marked " T " referred to in the annexed affidavit of Ian William Bayliss which was sworn at Queenstown this 3 day of August 2018

before me

Signature _____


*A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)*

**Kate M. Andrew
Solicitor
Queenstown**

OUTLINE OF SUBMISSION

This submission has been structured under the following headings:

Section A: Overview

Section B: Reasons for, and matters raised in, the Submission

Section C: Specific Submissions to the Proposed Queenstown Lakes District Plan

SECTION A: OVERVIEW

1. GBT owns land known as Glendhu Station near Wanaka. Its land has been identified within the Rural Zone under the Proposed Queenstown Lakes District Plan ("PDP"). It has the same zoning under the operative District Plan.
2. The purpose of this submission to the PDP is to rezone the land as a new Glendhu Station Zone, to better reflect the nature of approved development, the character of the area and to provide for the sustainable management of the land resource.
3. The reasons for this submission is outlined in Section B with the specific relief being contained within Section C.

SECTION B: REASONS FOR SUBMISSION

Description of the Site

4. The site is located at 1215 Wanaka – Mount Aspiring Road, Wanaka and comprises the land more generally known as Glendhu Station. The site extends around the western shores of Lake Wanaka from Glendhu Bay, south along either side of Motatapu Road to the Motatapu River, following its eastern bank to the confluence with the Matukituki River.
5. The land to which the submission relates is contained within four certificates of title, legally described as:
 - (a) Lot 2, 9-11 Deposited Plan 457489, being 187.6434 ha in area and contained within Computer Freehold Register identifier 602575, and owned by Glendhu Station Preserve Ltd;
 - (b) Lot 1, 3 Deposited Plan 457489, being 15.5715 ha in area and contained within Computer Freehold Register identifier 602576, and owned by Glendhu Holdings Ltd
 - (c) Lot 4-5 Deposited Plan 457489, being 44.2105ha in area and contained within Computer Freehold Register identifier 602577, and owned by Glendhu Holdings Ltd
 - (d) Lot 6-8 Deposited Plan 457489 and Section 1-2, 19, 18, 22-23 SO Plan 347712, being 2588.5685 ha in area and contained within Computer Freehold Register identifier 602578, and owned by Glendhu Holdings Ltd
6. The combined area of the land subject to this submission is approximately 2834 hectares.

Corridor Resource Study

7. Following tenure review, Glendhu Station and the neighbouring Cattle Flat Station, in conjunction with Darby Partners, completed a resource study of an area of approximately 5,000ha called the Glendhu / Cattle Flat Corridor. The purpose of this study was to comprehensively evaluate the landscape, ecological values and geographical constraints and

opportunities within a corridor of land running across both Stations. This comprehensive overview aimed to provide an informed platform for consideration of future land use opportunities and to avoid piecemeal and uncoordinated planning decisions.

8. The study is primarily landscape based. It identifies 9 different landscape units or components within the Corridor and assesses their ability to absorb change. In addition the study considered geology, hydrology, ecology, planning and traffic elements.
9. In respect of Parkins Bay, the Corridor Study identified that the foreshore of Parkins Bay had varied potential to absorb change with variable mitigation potential. The Glendhu Station flats similarly had varied potential to absorb change with high mitigation potential in specific locations. This reflects the variable topography and relief in the landscape and the potential this offers to establish an activity in a location where effects on public views can be avoided or mitigated. Further site survey and analysis of an area of approximately 180ha of the Glendhu Station flats was undertaken to better understand the opportunities and constraints inherent in the land. Visibility mapping of the topography was utilised to identify sites capable of absorbing change and these formed the basis for the resulting design.

The Parkins Bay Preserve

10. Following the outcomes of initial tenure review and then the Corridor Resource Study, the Parkins Bay Preserve emerged as a development proposal for 180 ha of the Glendhu Station land and promoting development of a golf course and club house and visitor accommodation and residences. Resource consent was lodged for the Parkins Bay development in November 2006.
11. After an initial Council and then Environment Court hearing, in May 2012 the Environment Court confirmed the grant of an application for resource consent to Parkins Bay Preserve Limited for the construction, provision and use of:
 - An 18 hole championship golf course located either side of the Mt Aspiring Road;
 - A series of lakeside buildings, including:
 - (a) a club house with restaurant and cafe;
 - (b) a jetty to facilitate public access to the building from the water;
 - (c) twelve visitor accommodation units, spread over three buildings;
 - 42 residences/visitor accommodation units, to be located on the rolling terrace to the south of the golf course, each set on an area of land between 3,525 m² and 8,719 m² ;
 - Ecological enhancement of approximately 65 hectares in accordance with a revegetation strategy including planting of locally appropriate native plants in the golf course and around the proposed houses;
 - Covenanted areas from which stock are precluded to allow natural revegetation to occur;
 - Enhanced public access to the site including provision of formed access from the Mt Aspiring Road to the Parkins Bay foreshore, formed access from Glendhu Bay to Parkins Bay and further along Parkins Bay, northwest of the Clubhouse to form a link to the second underpass under Mt Aspiring Road; and
 - Further public access in the form of a track along the Fern Burn to the existing Motatapu Track, provision for mountain bike access to the Motatapu Track, a track to the high point on Glendhu hill, and a track from Rocky Mountain to the existing Matukituki River track,

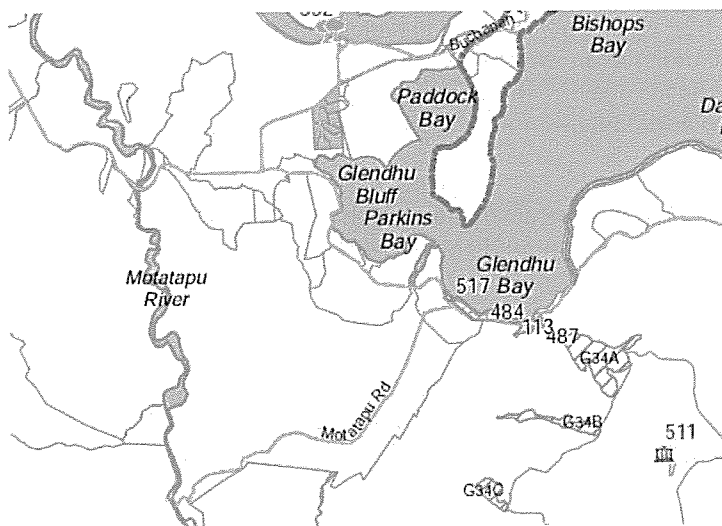
upon a set of terms and conditions set out in the decision and in accordance with the plans and maps attached to that decision.

12. This landowner has proceeded to progress with the initial subdivision of Glendhu Station into the main development titles necessary to facilitate the approved land use consent. This resource consent has also resulted in the creation of the open space covenants and the creation of each of the public access easements, as required through the environment court's decision on the land use consent (RM120558). The current title structure outlined in the description of the site (above) reflects the framework of titles created from this resource consent.
13. Further preliminary consents have been also sought to amend conditions to adjust aspects of the staging of the land use consent (RM140959) and also the layout of the golf course (RM150567).

Proposed District Plan (2015)

14. Under the PDP the site is located within an area of Outstanding Natural Landscape and within the Rural Zone. Below is an extract of PDP Planning Map 7 (West Wanaka, Lake Wanaka, Upper Shotover) showing the area of the GBT land and surrounding zoning.

Planning Map 7 (West Wanaka, Lake Wanaka, Upper Shotover)



Summary of Proposed Relief

15. The proposal is to rezone the land subject to this submission as a new special zone to be inserted into Part 6 of the PDP and called the Glendhu Station Zone. The area of the proposed rezoning is illustrated on the map attached to and forming a part of this submission within **Appendix 1**. The primary relief sought by GBT is to replace the rural zone shown on Planning Map 30 with that shown on the plan attached within Appendix 1.
16. A number of small changes are sought to the objectives, policies and rules of Chapter 27 Subdivision. These changes are proposed in order for the subdivision provisions to integrate with the land use provisions.
17. The specific changes sought to the PDP provisions are detailed within Section C of this submission.
18. Some of the key features of the Glendhu Station Zone are described below.

Structure Plan

19. A structure plan is proposed to establish the spatial layout of development within the zone and this provides for the identification of the following activity areas:
- (a) The Golf Activity Area (G), designed to incorporate the golf course, maintenance and operational facilities and underpass.
 - (b) The Lakeside Activity Area (LS), designed to accommodate a series of buildings, including 12 visitor accommodation units, functions and events, a jetty to facilitate public access to the activity area from Lake Wanaka, the golf course club house with restaurant and café and associated vehicle access and parking.
 - (c) The Residences Activity Area (R) provides for 50 residences and/or visitor accommodation units and areas of native revegetation.
 - (d) The Lodge Activity Area (L) provides for a visitor and residential accommodation activities, comprising a lodge and a small number of detached accommodation villas.
 - (e) The Campground Activity Area (C) provides for the expansion of the Glendhu Bay campground across the Mount Aspiring Road, together with provision for a new road access alignment, and providing for visitor accommodation activities.
 - (f) The Farm Homestead Activity Area (FH) provides for a mixture of small scale commercial activities that are designed to complement and support the campground, visitor accommodation, including farm stays, conferences, events and functions (e.g. weddings), farm tours, staff accommodation, and a small scale abattoir, butcher, packing shed and tannery.
 - (g) The Open Space Farm Preserve Activity Area (OS/F) provides for farming activities, recreation activities, including public access trails, areas of ecological enhancement, small scale eco-themed visitor accommodation, an airstrip and some limited provision for residential accommodation.

Section 32AA Evaluation

20. The following summary evaluation has been prepared under section 32AA of the Act to supplement the proposed rezoning sought for the Glendhu Station Zone. S.32AA requires that a further evaluation under sections 32(1) to (4) is necessary for any changes that have been made to the proposal since the evaluation report for the proposal was completed.
21. In accordance with s.32AA(1)(c) this evaluation has been undertaken at a level of detail which corresponds to the scale and significance of the changes.

Proposed District Plan Policy Framework

22. The relevant objectives from the PDP are outlined below.

Chapter 3 Strategic Directions

Objective 3.2.1.2 Recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas in the District.

23. The Glendhu Station Zone seeks to provide for a range of small scale commercial activities with the FH Activity Area, which are designed to service the high demand for convenience retail during peak use of the campground. The proposal will provide greater recognition of the local service and employment functions located on the Glendhu Station land and reinforce Objective 3.2.1.2.

Objective 3.2.5.1 Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.

24. The site falls within an area of Outstanding Natural Landscape in terms of the mapping included within the PDP. Rezoning to the Glendhu Station Zone will provide additional use and management opportunity, while enabling protection of the character of the area.
25. The land has been subject to a comprehensive assessment of its landscape character, visibility and ability to absorb change initially through the Corridor Resource Study that identified nine landscape units. The majority of the proposed new use or management that will be enabled through the proposed Glendhu Station Zone Structure plan will be located within the two landscape units of the Fern Burn (including the Residential Activity Area) and the Glendhu, Parkins and Paddock Bays landscape unit (including the Golf, Lakeside, Farm Homestead and Campground Activity Areas).
26. The Glendhu and Parkins Bay landscapes are dominated by Lake Wanaka and the tree-lined (willows and poplars) foreshore. The Glendhu Bluff and the highly developed farmland on Roys Peninsula provide a distinctive visual backdrop. The lakeshore area forms a well-defined transition between the pastoral landscape to the south and Lake Wanaka. Even though the natural character of the Glendhu Bay area is low compared to other surrounding landscapes (eg the ice sculptured landform and the Harris Range) the aesthetic qualities of the landscape around the Bay are still high. The willows and poplars along the lakeshore and on the Fern Burn delta contrast with the natural character of the lake and Mountain Ranges and add visual diversity.
27. Alluvial flats are found around the lower Fern Burn alongside the Motatapu Road south of Glendhu Bay. They denote the old path of the Motatapu River, which now sweeps north towards the Matukituki Valley before it enters the flats. Consequently, the Fern Burn Flats form the entrance to the Motatapu Valley. The Motatapu Road follows this old course of the Motatapu River alongside the current Fern Burn riverbed. Views from the road in this area are limited by the hummocky topography of the adjacent land. Also the Fern Burn is willow lined upstream from the Mount Aspiring Road Bridge. Further north the river has formed a fan into Lake Wanaka and there are only a few trees. The fluvial terrace flats on the true right of Fern Burn are intensively used for farming. Shelterbelts, hedges and small exotic conifer plantations are features of this landscape unit. Alpha Burn enters the flats through an incised gorge in the slopes below Mt Alpha. The willows along the riverbed of lower Alpha Burn are a distinct part of the developed farmland in this area. The landform along the true left of the stream behind Glendhu Bay has been shaped by moraine deposits, forming rough hillocky ground.
28. The basis of the structure plan is to enable limited amount of careful development within those parts of the landscape with lower natural character and the protection of other areas with higher natural character. A considerably proportion of the Structure Plan is identified within the Open Space Farm Preserve Activity Area.
29. Through the structure plan and related rules relating to subdivision and development the natural character of the outstanding natural landscape can be appropriately protected and achieve Objective 3.2.5.1

Objective 3.2.5.3 Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.

30. The land forms part of a complex landscape with varying topography and levels of human development. The two main landscape units of the Fern Burn and the Glendhu, Parkins and Paddock Bays are described above. The structure plan seeks to locate development within this areas with highest potential to absorb change and these areas are concentrated around the

existing Glendhu Campground, the Glendhu Station homestead and the areas immediately within and alongside the Golf Course either side of the Mount Aspiring Road.

31. Enabling use, management and development within these areas through the structure plan and the Glendhu Station Zone would therefore appropriately direct new residential subdivision and development to areas which have potential to absorb change without detracting from landscape and amenity values to achieve Objective 3.2.5.3

Objective 3.2.6.2 Ensure a mix of housing opportunities

32. The Glendhu Station Zone provides opportunities for a limited number of houses that are likely to be on sites typical of a rural living environment and are located within a rural setting. This form of housing is a departure from the conventional suburban living opportunities within Wanaka and will therefore help to ensure a mix of housing opportunities are provide across the District.

Chapter 6 Landscapes

6.3.1 Objective - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.

33. As identified above, the sites is located within an outstanding natural landscape and subject to a comprehensive assessment of landscape values through the Corridor Resource Study. A key part of the Structure Plan is to identify areas of open space and to establish objectives, policies and rules design to protect the sensitive parts of the landscape from inappropriate subdivision, use or development. In this way the proposal achieves Objective 6.3.1.

6.3.2 Objective - Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.

34. As above, the proposal seeks to create a structure planned zone based on through and robust landscape assessment. Through the addition of appropriate objectives, policies and rules requiring compliance with the structure plan and through limitations on the overall number of proposed units, the proposal seeks avoid the potential for adverse cumulative effects and will achieve Objective 6.3.2.

6.3.8 Objective - Recognise the dependence of tourism on the District's landscapes.

35. The Glendhu Station Zone will enable the development of significant tourism infrastructure through the creation of the proposed golf course, club house, within the extended area of Glendhu Campground as well as the development of additional units for visitor accommodation. Together these facilities will have a significant positive effect on tourism and a significant part of its attraction for visitors is the overall landscape setting of Glendhu Station. For these reasons, the proposal will, positively implement Objective 6.3.8.

Evaluation

Identification of other reasonably practicable options for achieving the objectives s.32(1)(b)(i)

36. The reasonably practicable options available to provide for the use and development of the site under the PDP include:
- (a) Retention of the status quo where all of the site is located within the Rural Zone;

- (b) Rezone through a mixed zone approach, where parts of the land are included in the Rural Residential, Rural Residential or Business Zones; and
 - (c) Rezone all of the land through the creation of a new Special Zone.
37. Retaining the Rural General Zone would ensure those objectives of the PDP aimed at managing the effects of subdivision, use, and development within rural landscapes are achieved. However, unlike the Rural Residential zone, it would not assist in directing additional rural lifestyle development to appropriate locations to maintain qualities of the wider rural landscape, or assist to ensure mix of housing opportunities are provided. Retention of the status quo also relies on managing the continued commercial activities through existing resource consent conditions and any further development or changes through further resource consent on an ad-hoc basis.
38. A mixed zone approach would direct new subdivision, use or development to an area of the landscape with potential to absorb change without detracting from landscape values (Objective 3.2.5.3), and will be located within a part of the landscape with similar character and ensure a mix of housing opportunities (Objective 3.2.6.2). The main limitation with this approach is that it would fail to provide for a comprehensive set of provision to manage what are a diverse range of activities occurring within this area.
39. The creation of a new Glendhu Station Zone and using a structure plan to coordinate the management of natural and physical resources would carry all of the benefits of the other options, but has the further advantage of consistent administration through a single zoning framework.

Assessment of efficiency and effectiveness of provisions s.32(1)(b)(ii) and s.32(2)(a)

- (a) Effectiveness:

As outlined in the evaluation of the PDP objectives above, rezoning the site to create a new Special Zone will be effective in that it will achieve the objectives of the PDP.

- (b) Efficiency

Benefits	Costs
<p><i>Environmental</i></p> <p>The Glendhu Station Special Zone provides for the protection of open space, areas of ecological value Rural Residential zoning over the land would allow additional residential development opportunities in an area where visual change can be absorbed, thereby reducing pressure for development on other rural locations where there is a finite capacity for residential activity.</p> <p><i>Economic:</i></p> <p>The addition of development and recreation opportunities provided for by the zone will signal a significant investment in tourism tourist related infrastructure, which serves an important employment function and</p>	<p><i>Economic</i></p> <p>Overdevelopment of the area would lead to a loss of landscape amenity values and therefore a reduction of visitors to the area.</p> <p><i>Social & Cultural</i></p> <p>Insensitive development would negatively impact on landscape amenity and the character of the area.</p>

<p>contributes to the economic wellbeing of the District.</p> <p><i>Social and cultural</i></p>	
<p>Social and cultural benefits are derived from the creation of an expanded array of outdoor recreation opportunities including public access tracks, a golf course and a jetty on the shore of Lake Wanaka.</p>	
<p>Enabling a small number of residencies would also provide additional low density housing opportunities.</p>	

40. Compared with retaining the Rural General zone, rezoning to create a new Glendhu Station Zone covering the Glendhu Station land will be efficient as the benefits will outweigh any costs. While rezoning would facilitate some loss of rural land, that economic cost is low because of the relative small size of the land and the nature of the existing non-rural uses. Furthermore that loss will be compensated by reducing pressure for residential development in other rural locations and the better recognition of the use and development of tourism infrastructure on this land.

Summary of reasons for proposed provisions s.32(1)(b)(iii)

41. The proposed Glendhu Station Zone provides the most appropriate way of achieving the relevant objectives of the PDP because:
- (a) It provides for a range of tourism, recreation and visitor related facilities within an area valued for that purpose
 - (b) It provides additional low density rural living opportunities in an area where such development would be consistent with the dominant character, and there is capacity to absorb visual change without degrading landscape character or visual amenity values; and
 - (c) In so doing, it will reduce pressure for such development in other areas of the rural environment where there is finite capacity for residential activity.
 - (d) It will recognise and provide for the use, development and consolidation of commercial activities on the land that is an important part of the tourist infrastructure and will provide for the economic well being of the District.

Consequential and Further Changes

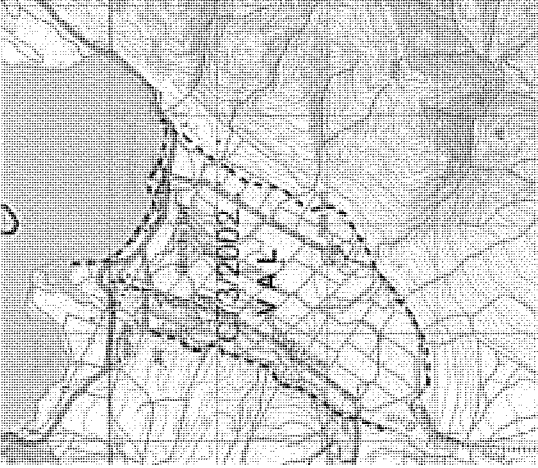
42. GBT seeks to make any similar, alternative and/or consequential relief that may be necessary or appropriate to address the matters raised in this submission or the specific relief requested in this submission.

SECTION C: SPECIFIC SUBMISSIONS TO THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as <i>italic-strike-through</i>]
Chapter 21 Subdivision		
<p>Rule 27.4.1 All subdivision activities are discretionary activities, except other stated</p>	<p>Oppose</p> <p>Rule 27.4.1 is opposed for the general reasons expressed above. Changes are sought to this rule to ensure subdivision that complies with the relevant standards remains as a controlled activity.</p>	<p>Amend Rule 27.4.1, as follows:</p> <p>All <u>subdivision activities are discretionary controlled activities, except as otherwise stated:</u></p> <p><u>Council's control is limited to:</u></p> <ul style="list-style-type: none"> • <u>Lot sizes, averages and dimensions</u> • <u>Subdivision design</u> • <u>Property access</u> • <u>Esplanade provision</u> • <u>Natural hazards</u> • <u>Fire fighting water supply</u> • <u>Water supply</u> • <u>Stormwater disposal</u> • <u>Sewage treatment and disposal</u> • <u>Energy supply and telecommunications</u> • <u>Open space and recreation</u> • <u>Easements</u> • <u>The nature, scale and adequacy of environmental protection measures associated with earthworks</u>
<p>Rule 27.4.2 a The following shall be non-complying activities</p>	<p>Support in Part</p>	<p>Amend Rule 27.4.2 a, as follows:</p> <p><i>Subdivision that does not comply with the standards in Part 27.5 and location specific standards in part 27.8. Except within the following zone where any non-compliance shall be a discretionary activity.</i></p>

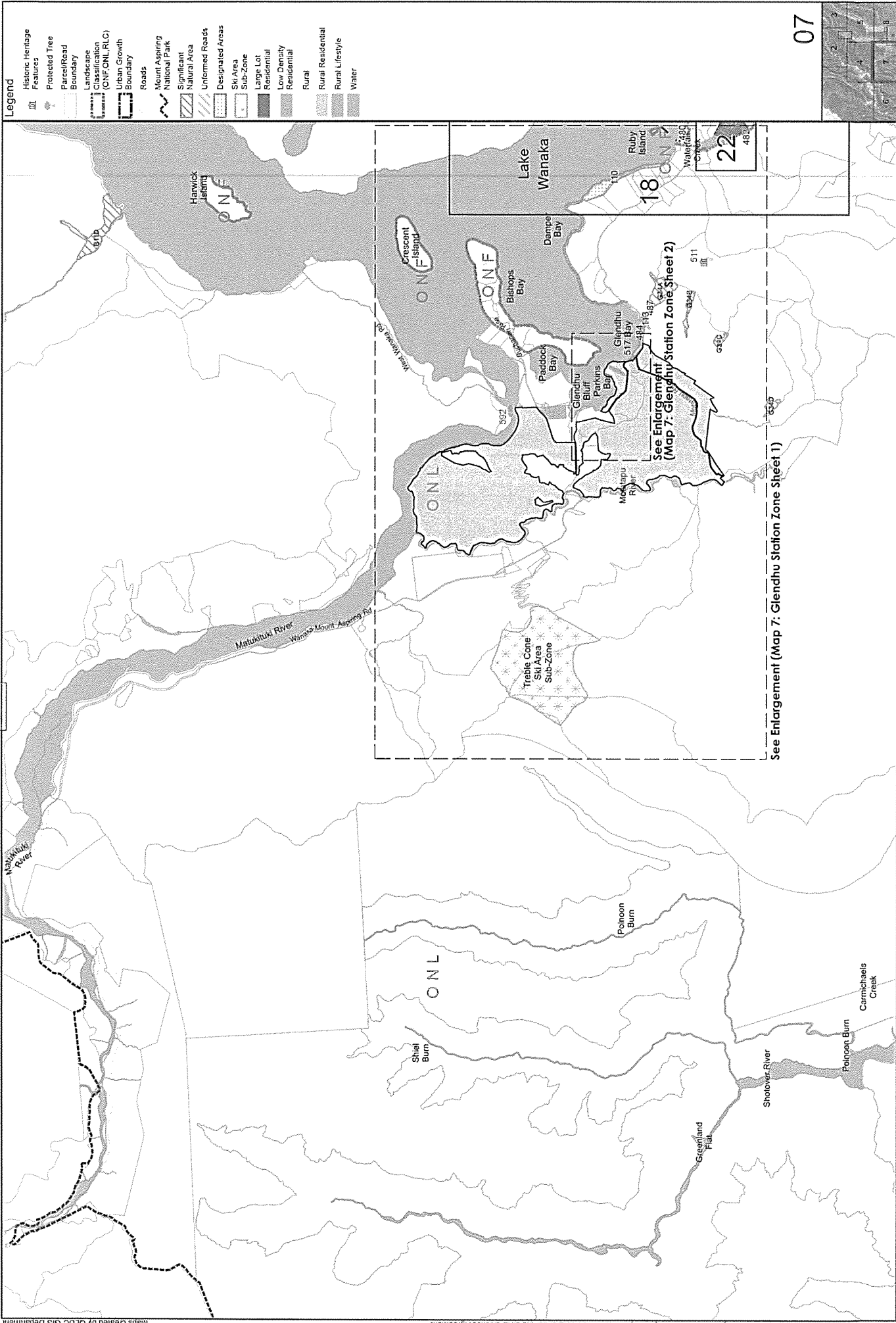
Specific Provision	Submission	Decisions Sought [New text shown <u>underlined</u> bold <u>italics</u> and deleted text shown as <i>italic-strike-through</i>]						
		<ul style="list-style-type: none"> • <i>Jacks Point Zone</i> • <u>Glendhu Station Zone</u> 						
Rule 27.5.1 Lot size	Support in Part	<p>Insert the following to minimum lot size table:</p> <table border="1" data-bbox="501 235 652 976"> <thead> <tr> <th data-bbox="501 781 560 976">Zone</th> <th data-bbox="501 508 560 781"></th> <th data-bbox="501 235 560 508">Minimum Lot Area</th> </tr> </thead> <tbody> <tr> <td data-bbox="560 781 652 976"><u>Glendhu Station</u></td> <td data-bbox="560 508 652 781"></td> <td data-bbox="560 235 652 508"><u>No minimum</u></td> </tr> </tbody> </table>	Zone		Minimum Lot Area	<u>Glendhu Station</u>		<u>No minimum</u>
Zone		Minimum Lot Area						
<u>Glendhu Station</u>		<u>No minimum</u>						
27.7 Location-specific objectives, policies and provisions	Support in Part	<p>Insert a new location specific objective, policy and provisions for the Glendhu Station Zone, as follows:</p> <p><i>27.7.21 Objective – Glendhu Station Zone – Subdivision shall have regard to the identified location specific opportunities and constraints.</i></p> <p><i>Policy 27.7.21.1 Ensure subdivision and development achieves the objectives and policies of the Glendhu Station Zone (Chapter 44).</i></p> <p><u>Matters of Discretion</u></p> <p><u>27.7.21.2 Council's discretion for subdivision activities is discretion to:</u></p> <p><u>Consistency with the Glendhu Station Structure Plan identified in 44.8</u></p> <ul style="list-style-type: none"> - <u>Lot sizes, averages and dimensions.</u> - <u>Subdivision design.</u> - <u>Property access.</u> - <u>Esplanade provision.</u> - <u>Natural hazards.</u> - <u>Fire fighting water supply</u> 						

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined</u> bold <u>italics</u> and deleted text shown as italics-strike-through]
		<ul style="list-style-type: none"> - <u>Water supply.</u> - <u>Stormwater disposal.</u> - <u>Sewage treatment and disposal.</u> - <u>Energy supply and telecommunications.</u> - <u>Open space and recreation.</u> - <u>Easements.</u> - <u>The nature, scale and adequacy of environmental protection measures associated with earthworks.</u>
27.8 Rules – Location Specific Standards	Support in Part	<p>Insert new Location specific standards for the Glendhu Station Zone, as follows:</p> <p><u>27.8.10 Glendhu Station</u></p> <p><u>27.8.10.1 Glendhu Station Structure Plan – Subdivision activities failing to comply with this rule shall be a discretionary activity</u></p> <p><u>In the Glendhu Station Zone, subdivision shall be in general accordance with the Structure Plan located within Chapter 44.8</u></p> <p><u>27.8.10.2 Subdivision of land located within Activity Area R in the absence of a resource consent granted under Rule 44.5.4 (Chapter 44)</u></p>
Part 6 Special Zones		
Part 6 Special Zones	Support in Part	Insert a new Chapter 44 into the Part Six Special Zones entitled “Glendhu Station Zone”, with the provisions contained within Appendix 1 .

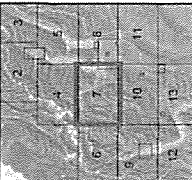
Specific Provision	Submission	Decisions Sought [New text shown <u>underlined</u> bold <i>italics</i> and deleted text shown as italics-strike-through]
Planning Maps		
Planning Map 7 – West Wanaka, Lake Wanaka, Upper Shotover	Support in Part	<ol style="list-style-type: none"> 1. Amend Planning Map 7 to identify the Glendhu Station Special Zone as shown on the plan attached within Appendix 2. 2. Amend Planning Map 7 to identify an area of Rural Landscape Classification within the Fern Burn Valley as determined by the Environment Court in decision C73/2002, and as shown below.
		

APPENDIX 1

Changes sought to Planning Map 7 (West Wanaka, Lake Wanaka, Upper Shotover)



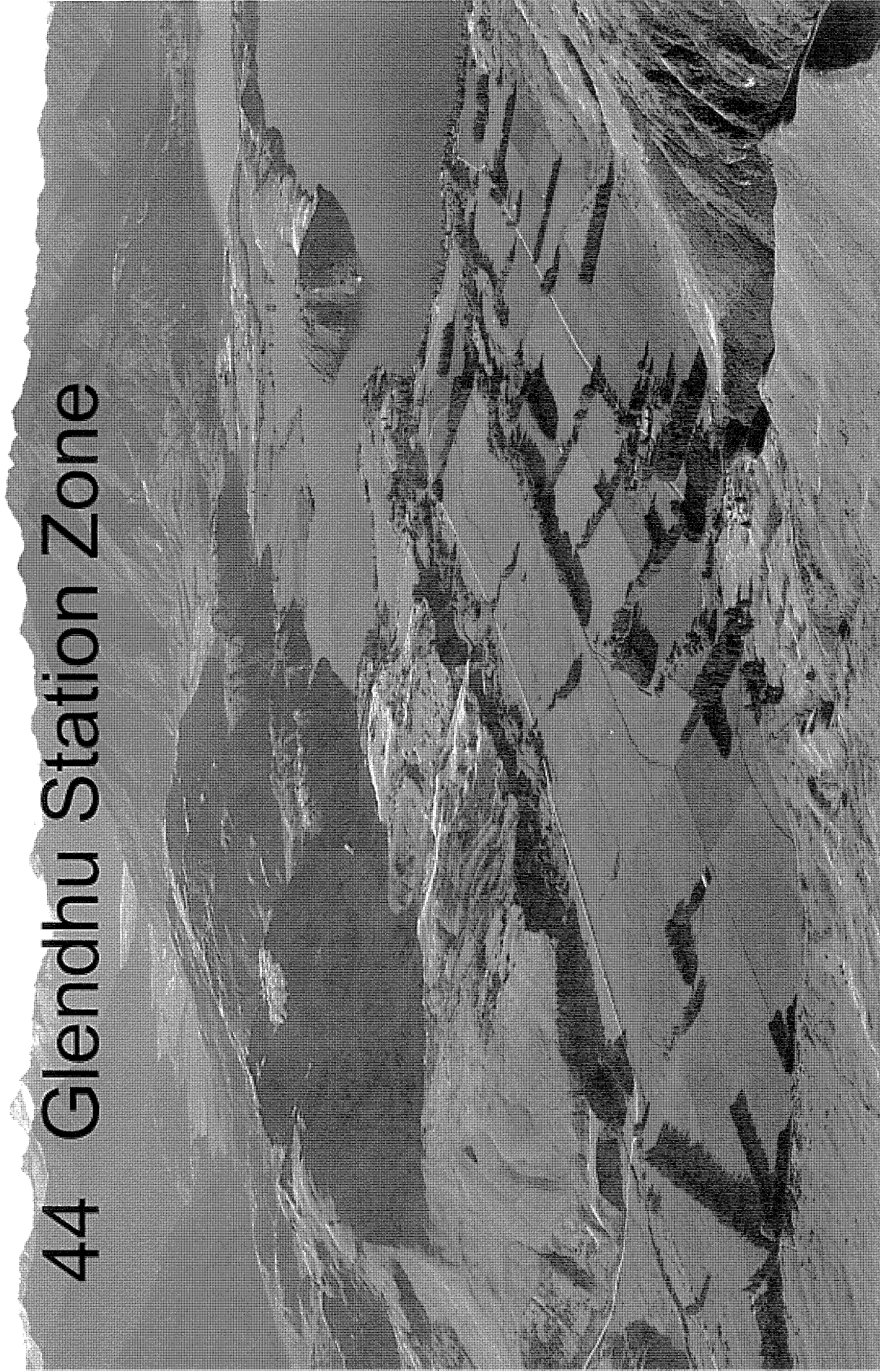
- Legend**
- Historic Heritage Features
 - Protected Tree
 - Parcel/Road Boundary
 - Landscape Characterisation (ONF, ONL, RLC)
 - Urban Growth Boundary
 - Roads
 - Mount Aspiring National Park
 - Significant Natural Area
 - Designated Roads
 - Unformed Roads
 - Ski Area Sub-Zone
 - Large Lot Residential
 - Low Density Residential
 - Rural Residential
 - Rural Residential
 - Rural Lifestyle
 - Water



Parcel boundaries derived from New Zealand Core Records System Vector Data (Corax) obtained from LINZ under the LINZ Licence Agreement. Maps created by QLDC GIS Department

APPENDIX 2
Proposed Glendhu Station Zone Provisions (Objectives, Policies, Rules)

44 Glendhu Station Zone



GLENDHU STATION ZONE

44.1 Issues and Values

The Glendhu Station Zone is located on the southern slope rising from the small southern arm of Lake Wanaka. The eastern end of the zone between the Wanaka-Mount Aspiring Road and the lakeshore is part of the delta of the Fern Burn. To the west is successively lake shore beach, then moraine and fluvial outwash followed by a small area of alluvial deposits immediately before the isolated mountain of which the Glendhu Bluff is part. All the remaining lower part of the zone is part of the subtly complex moraine field and associated glacial outwash terraces flattened in small areas by the remnants of beaches from earlier higher forms of Lake Wanaka. The Wanaka – Mount Aspiring Road runs through the zone on the flats from east to west before turning north through the Glendhu Bluff.

The Zone seeks to manage issues relating to:

- The protection of outstanding natural landscapes from inappropriate subdivision, use and development
- Promoting access to and along the Fern Burn, Motatapu River and Lake Wanaka
- Protection and enhancement of areas of ecological significance
- The provision of recreation and tourism facilities for the benefit of the local community and visitors
- The provision of visitor accommodation set within a high quality landscape setting
- Establishing a high standard of built form that responds to the landscape setting and amenity values of the rural area

44.2 Zone Purpose

The purpose of the Glendhu Station Zone is to provide for residential and visitor accommodation within a rural setting, a high standard of built amenity an 18 hole championship golf course, other recreation and tourist amenities and to provide environmental benefits through the provision of public access, protection of open space and nature conservation enhancements. The Glendhu Station Zone covers an area of 2,834 ha of land set on the shores of Lake Wanaka, approximately 15 km west of Wanaka Township.

The spatial layout of development within the Glendhu Station Zone is set out within a Structure Plan, which provides for:

- (a) The Golf Activity Area (G), designed to incorporate the golf course, maintenance and operational facilities and underpass.

GLENDHU STATION ZONE

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- (b) The Lake Shore Activity Area (LS), designed to accommodate a series of buildings, including 12 visitor accommodation units, functions and events, a jetty to facilitate public access to the activity area from Lake Wanaka, the golf course club house with restaurant and café and associated vehicle access and parking.
- (c) The Residences Activity Area (R) provides for 50 residences and/or visitor accommodation units and areas of native revegetation.
- (d) The Lodge Activity Area (L) provides for a visitor and residential accommodation activities, comprising a lodge and a small number of detached accommodation villas and areas of native revegetation.
- (e) The Campground Activity Area (C) provides for the expansion of the Glendhu Bay campground across the Mount Aspiring Road, together with provision for a new road access alignment, and providing for visitor accommodation activities.
- (f) The Farm Homestead Activity Area (FH) provides for a mixture of small scale commercial activities that are designed to complement and support the campground, visitor accommodation, including farm stays, conferences, events and functions (e.g. weddings), farm tours, staff accommodation, and a small scale abattoir, butcher, packing shed, craft brewery and tannery.
- (g) The Open Space Farm Preserve Activity Area (OS/F) provides for farming activities, recreation activities, including public access trails, areas of ecological enhancement, small scale eco-themed visitor accommodation, an airstrip and some limited provision for residential accommodation.
- (h) Additional design features shown on the structure plan, include:
 - (i) Public access trails and two Golf underpasses
 - (ii) Primary access connection to the golf course, residences and lodge
 - (iii) Landscape Protection Areas

44.3 Objectives and Policies

44.3.1 Objective

A high quality, tourism, residential and visitor accommodation development set within a framework of rural open space while providing conservation and recreation benefits.

Policies:

44.3.1.1 To use a Structure Plan to establish the spatial layout of development within the zone, taking into account:

- a. Landscape and amenity values;
- b. Roading, open space and trail networks;
- c. Visibility from the Wanaka – Mount Aspiring Road;
- d. Nature conservation values.

44.3.1.2 To ensure subdivision and development incorporates the design elements shown on the Structure Plan, namely roads, open space, access connections and trails.

44.3.1.3 To maintain views into the site when viewed from Lake Wanaka and to maintain views across when viewed from the Wanaka – Mount Aspiring Road.

44.3.1.4 To provide public access to and along the Fern Burn and the margin of Lake Wanaka in the general locations shown on the Structure Plan.

44.3.1.5 To protect the open space and conservation values within the Landscape Protection Areas on the Structure Plan from inappropriate subdivision, use and development.

44.3.1.6 Promote indigenous biodiversity values within and associated with development within the Residential Activity Area through a Revegetation Strategy.

GLENDHU STATION ZONE

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- 44.3.1.7** To provide for farming and associated structures and recreation within the Open Space Farm Preserve Activity Area.
- 44.3.1.8** To manage the effects of buildings, visitor accommodation and commercial activities within the Open Space Farm Preserve Activity Area to maintain landscape and ecological values.
- 44.3.1.9** To enable mining activities that contribute to the development of the zone, provided environmental effects are appropriately managed.
- 44.3.1.10** To provide opportunities for residential and visitor accommodation within the Campground, Farm Homestead, Lake Shore, Residences and Lodge Activity Areas where buildings mitigate effects on landscape values.
- 44.3.1.11** Subdivision and development of the land within R Activity Area be subject to a master planned process that is consistent with the landscape and ecological values of this area. Use of land within Activity Area R is restricted to residential and visitor accommodation activities that implements the master planned outcomes prescribed through Policy 44.3.1.11.
- 44.3.1.12** To require the use of a Spatial Layout Plan for subdivision and building development within Activity Area R. The Spatial Layout Plan is to identify the following features:
- (i) The location and size of building platforms
 - (ii) A regeneration strategy for native vegetation, which may also serve to mitigate effects on landscape values
 - (iii) The integration of building locations with landscape planting
 - (iv) Earthworks and re-contouring of land to assist visual absorption
- 44.3.1.13** To enable development of visitor accommodation within the Lake Shore Activity Area where buildings and a jetty:
- (a) Achieve a high standard of building design; and
 - (b) Provide appropriate landscaping
- To mitigate their effects on the natural character of the margin of Lake Wanaka.
- 44.3.1.14** To enable small scale commercial activities and services to be undertaken within the Farm Homestead Activity Area, including convenience retail activities associated with the Campground Activity Area.
- 44.3.1.15** To restrict commercial activity within the Lake Shore Activity Area to those associated with recreation and visitor accommodation activities.

GLENDDHU STATION ZONE

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- 44.3.1.16** To enable the Golf Activity Area to be developed to accommodate a golf course, including associated earthworks, vegetation removal, structures, underpasses and facilities.
- 44.3.1.17** To avoid, remedy or mitigate the effects of building on residential and amenity values
- 44.3.1.18** To avoid industrial activities.
- 44.3.1.19** To ensure provision of appropriate servicing infrastructure, roading and vehicle access sufficient to accommodate actual and predicted demand and minimise over capacity.

44.4 Other Provisions and Rules

44.4.1 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as Operative District Plan (ODP).

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18 ODP)	25 Earthworks (22 ODP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport (14 ODP)
30 Energy and Utilities	31 Hazardous Substances (16 ODP)	32 Protected Trees
33 Indigenous Vegetation and Biodiversity	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

44.4.2 Clarification

- 44.4.2.1** References to the Structure Plan and to Activity Areas are references to the Glendhu Station Zone Structure Plan and the Activity Areas identified on that Structure Plan.
- 44.4.2.2** Any activity listed in Table 1 below which complies with all the relevant Standards detailed in Rule 44.5 Table 2 shall have the consent activity status described in the Key below and detailed in the right hand column of Table 1 beside the description of that activity.
- 44.4.2.3** Any activity which does not comply with a relevant Standard detailed in Table 2 shall have the consent activity status described in the Key below and detailed in the right hand column of Table 2 beside the relevant Standard.
- 44.4.2.4** Where an activity is a Controlled Activity, the matters in respect of which the Council has reserved control are listed with the activity.
- 44.4.2.5** Where an activity is a Restricted Discretionary Activity, the matters in respect of which the Council has reserved discretion are listed with the relevant Activity within Table 1 and any relevant Standard within Table 2.

Key:

GLENDHU STATION ZONE

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

GLENDHU STATION ZONE

44.5 Rules – Activities

Table 1:

RULE	ACTIVITIES LOCATED WITHIN THE GLENDHU STATION ZONE	ACTIVITY STATUS
44.5.1	Activities that are not listed in this table and comply with the standards in Table 2.	P
44.5.2	<p>Buildings</p> <p>(a) Building (including the addition, alteration or construction of buildings) located within the L, C, FH, G and LS Activity Areas, with the Council's control limited to:</p> <ul style="list-style-type: none"> - the external appearance of buildings with respect to the effect on visual and landscape values of the area; - infrastructure and servicing; - associated earthworks and landscaping; - access and parking; - bulk and location; and - exterior lighting. <p>(b) Building (including the addition, alteration or construction of buildings) located within the R Activity Area, with the Council's control limited to:</p> <ul style="list-style-type: none"> - the matters of control within Rule 44.5.2(a) - Geotechnical suitability for building 	C

GLENDHU STATION ZONE

RULE	ACTIVITIES LOCATED WITHIN THE GLENDHU STATION ZONE	ACTIVITY STATUS
	<ul style="list-style-type: none"> - Integration with revegetation and mitigation planting contained within the Revegetation Strategy provided for within Rule 44.5.4 - Clearance of pest plants within each site - The effectiveness of earthworks and mounding (if any) at screening buildings - The shape and design of earthworks, including their relationship to existing landforms <p>(c) Farm buildings located within the O/SF Activity Area, with the Council's control limited to:</p> <ul style="list-style-type: none"> i. the external appearance of buildings with respect to the effect on visual and landscape values of the area ii. associated earthworks iii. bulk and location <p>(d) Within the LS Activity Area any jetty, with the Council's control limited to:</p> <ul style="list-style-type: none"> i. Effects on natural character ii. Effects on landscape and amenity values iii. Effects on public access to and along the lake margin iv. External appearance, colours and materials v. Location 	<p style="text-align: center;">C</p> <p style="text-align: center;">C</p>
44.5.3	Mining	P

GLENDHU STATION ZONE

44

RULE	ACTIVITIES LOCATED WITHIN THE GLENDHU STATION ZONE	ACTIVITY STATUS
	The mining of rock, aggregate and sand, for use within the Zone, subject to compliance with the standards relating to earthworks contained within Rule 42.6.2(d), (e) and (f) .	
44.5.4	<p>Residential and Visitor Accommodation Activities (all excluding buildings) in Activity Area R</p> <p><u>Information Requirements:</u></p> <p>An application for resource consent under this rule shall include a Spatial Layout Plan and Revegetation Strategy in respect to the whole of the R Activity Area.</p> <p>(a) The Revegetation Strategy in respect of the whole R Activity Area, shall include the following measures:</p> <ul style="list-style-type: none"> (i) A vegetation cover framework of Kanuka and other appropriate native species in the short term, which can be become the basis for biodiversity enhancement as the zone develops (ii) Screening for residential buildings for viewers from the road in accordance with the Revegetation and Mitigation Planting Areas identified on the Structure Plan (iii) To reflect the underlying of landform and soils in the native vegetation cover of the R Activity Area (iv) To achieve eventual revegetation of the Gully Revegetation Area identified on the Structure Plan with a mix of locally sourced native species including Totara. (v) To achieve eventual revegetation of the Moraine Slope Revegetation Area shown on Structure Plan. (vi) To ensure that the "rough" areas of the golf course, being the vegetated areas not required to be mowed or otherwise maintained, regenerate naturally (excluding noxious weeds). (vii) To link with other revegetated areas outside the site (viii) Details of the timing of planting in relation to the staging of building construction 	C

GLENDDHU STATION ZONE

44

RULE	ACTIVITIES LOCATED WITHIN THE GLENDDHU STATION ZONE	ACTIVITY STATUS
	<p>(ix) details of the management proposed for up to 10 years after initial planting - site preparation, weed control, pest control, any watering or fertilisers, stock control and maintenance;</p> <p>(x) Details of plant sources</p> <p>(xi) Protection measures for existing values - wetlands, lake shore, lake water quality</p> <p>(xii) Integration of planting with other components of the development within the R Activity Area, including earthworks and construction</p> <p>(xiii) Fencing of the regeneration area for stock to pass through parts of the R Activity Area</p> <p>(b) The Spatial Layout Plans shall include further detail relating to:</p> <ul style="list-style-type: none"> (i) The location of sites for all building development (ii) The height of building development (iii) The size of domestic curtilage areas (iv) The location and alignment of vehicular access (v) Subdivision layout (vi) Earthworks for the construction of mitigation mounding and earth re-contouring within the R Activity Area <p><u>Matters of Discretion:</u></p> <p>The Council's discretion is restricted to:</p>	

GLENDHU STATION ZONE

44

RULE	ACTIVITIES LOCATED WITHIN THE GLENDHU STATION ZONE	ACTIVITY STATUS
	<ul style="list-style-type: none"> i. Effects on landscape and amenity values ii. Effects on nature conservation values 	
44.5.5	<p>Farm Homestead Activity Area</p> <p>44.5.5.1 Commercial Activities within the FH Activity Area</p> <p>44.5.5.2 Visitor Accommodation within the FH Activity Area, except within any existing buildings (at the date of this zone having legal effect).</p> <p>Where the Council's exercise of discretion is restricted to:</p> <ul style="list-style-type: none"> i. Scale and location ii. Noise iii. Hours of operation iv. Traffic generation, access and car parking v. Infrastructure services 	RD
44.5.6	<p>Visitor Accommodation</p> <p>(a) Visitor accommodation activities within the OS/F Activity Area.</p>	D
44.5.7	<p>The use or development of land within Activity Area R in the absence of resource consent granted under Rule 44.5.4</p>	D

GLENDHU STATION ZONE

44

RULE	ACTIVITIES LOCATED WITHIN THE GLENDHU STATION ZONE	ACTIVITY STATUS
44.5.8	<p>Building within any Landscape Protection Area identified on the Glendhu Station Structure Plan</p> <p>Except:</p> <ul style="list-style-type: none"> - Farm buildings located within the OS/F Activity Area, subject to resource consent in terms of Rule 44.5.2 (c). 	D
44.5.9	<p>Mitigation Mounds</p> <p>Alteration or removal of any mitigation mounds or contouring undertaken in accordance within Rule 44.5.4</p>	D
44.5.10	<p>Structure Plan - Activities</p> <p>Any activity which is not provided for within the list of activities below or which is not provided a specific activity status through any other rule within the Activity Table (Rule 44.6):</p> <ul style="list-style-type: none"> (a) Residences Activity Area (R) – the use of this area is restricted to residential and visitor accommodation activities. (b) Campground Activity Area (C) – the use of this area is restricted to visitor accommodation (c) Farm Homestead Activity Area (FH) – the use of this area is restricted to convenience retailing, the retail sales of produce, markets for produce from the area, commercial activities (including conferences, events and functions) and visitor accommodation. (d) Lakeshore Activity Area (LS) – the use of this area restricted to visitor accommodation activities, a jetty to facilitate public access to the activity area from Lake Wanaka, a golf course club house, functions and events, restaurant and café and associated vehicle access and parking. (e) Lodge Activity Area (L) - the use of this area is restricted to visitor and residential accommodation activities, restaurants and conference facilities. 	D

GLENDHU STATION ZONE

44

RULE	ACTIVITIES LOCATED WITHIN THE GLENDHU STATION ZONE	ACTIVITY STATUS
	<p>(f) Open Space Farm Preserve (OS/F) – Activities in this area are limited to farming, farm buildings, fencing, trail formation, farm access tracks and recreation.</p> <p>(g) Golf (G) – the use of this area is restricted to the development and operation of golf courses, including associated site establishment, earthworks, vegetation removal, green keeping, maintenance and operations, driving range, administrative offices, sales and commercial instruction.</p>	
44.5.11	Factory Farming	NC
44.5.12	<p>Forestry Activities</p> <p>All forestry activities, excluding harvesting of existing forestry.</p>	NC
44.5.13	<p>Mining Activities</p> <p>With the exception of the mining of rock and/or aggregate and/or gravel provided for by Rule 44.5.3</p>	NC
44.5.14	Industrial Activities	NC
44.5.15	Panelbeating, spraypainting, motor vehicle, repair of dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR

GLENDHU STATION ZONE

44.6 Rules - Standards

Table 2:

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status
44.6.1	<p>Standards for Public Access</p> <p>(a) Public access trails created in accordance with the routes identified on the Structure Plan, shall be to the following standards:</p> <ul style="list-style-type: none"> i. Between Rocky Hill and the Matukituki River: <ul style="list-style-type: none"> – The access route shall be restricted to a route connecting Rocky Hill and the Matukituki River that will be marked by bollards and/or poles and signs. – Public access shall be restricted to walking access only. – Secured by way of an easement in favour of the Queenstown Lakes District Council and where the Council will be responsible for on-going maintenance. ii. Along the Motatapu River between the Mount Aspiring Road and the Motatapu Track: <ul style="list-style-type: none"> – The access route shall be restricted to a specific route (which shall be for the first 400m of the road where it goes through a low cutting to reach the terraces above Mt Aspiring Road). And shall be a formed and marked walking/cycling track either on the farm land or the road margin (if that can be achieved), to clearly show users of Te Araroa footpath where they are to go when they turn off from the lake. – Public access shall be restricted to walking access only. – Secured by way of an easement in favour of the Queenstown Lakes District Council and where the Council will be responsible for on-going maintenance. 	RD

GLENDHU STATION ZONE

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status
	<p>iii. Along the Motatapu River, between easements V and W on SO 347712:</p> <ul style="list-style-type: none"> - The access route shall be restricted to a specific route that will be marked by bollards and/or poles and signs. This route will use both the marginal strip and enable access by way of easement over parts of the adjacent land where access along the marginal strip is not available due to erosion of the river bank. - Public access shall be restricted to walking and mountain biking access only. - In the event that the river erodes both the marginal strip and the land over which the easement runs, the landowner will, when requested, provide an alternative easement (to be surveyed and registered, formed, and maintained by the council at its request). - Secured by way of an easement in favour of the Queenstown Lakes District Council and where the Council will be responsible for on-going maintenance. <p>iv. To Glendhu Hill:</p> <ul style="list-style-type: none"> - The access route shall be restricted to a specific route that will be marked by bollards and/or poles and signs. - Public access shall be restricted to walking access only. - Secured by way of an easement in favour of the Queenstown Lakes District Council and where the Council will be responsible for on-going maintenance. <p>v. To the Motatapu Road and the boundary with Alpha Burn Station:</p> <ul style="list-style-type: none"> - The access route shall be restricted to a specific route that will be formed and marked by signs. - Public access shall be restricted to walking and mountain biking access only. - Secured by way of an easement in favour of the Queenstown Lakes District Council and where the Council will be responsible for on-going maintenance. 	

GLENDHU STATION ZONE

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Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status
	<p>vi. Between Rocky Hill and the Motatapu River:</p> <ul style="list-style-type: none"> – The access route shall be restricted to a route that will be marked by bollards and/or poles and marked by signs. – Public access shall be restricted to walking access only. – Secured by way of an easement in favour of the Queenstown Lakes District Council and where the Council will be responsible for on-going maintenance. <p>(b) The land owner shall be entitled to close or restrict access to the track along the Glendhu Station foreshore, where the track passes through the Glendhu Station Zone, as the considers necessary, for golf course operations (including tournaments), maintenance, safety or security purposes, for up to 25 individual days per year (but not exceeding 5 weekends).</p> <p>Council's discretion is restricted to recreation values.</p>	
<p>44.6.2</p>	<p>Earthworks</p> <p>(a) Earthworks associated with subdivision</p> <p>(b) Volume of Earthworks</p> <p>The maximum total volume of earthworks (m³) shall not exceed that specified in Table 1 (below).</p> <ul style="list-style-type: none"> i. The maximum total volume of earthworks shall be calculated per site, within one consecutive 12 month period. ii. Volume shall mean the sum of all earth that is moved within a site and includes any combination of cut and fill, removing fill off-site and replacing fill on site – refer Interpretive Diagrams 5 (a), (b) and (c). <p>Table 1</p>	<p>P</p> <p>RD</p>

GLENDHU STATION ZONE

44

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status								
	<table border="1" data-bbox="328 1102 810 1827"> <thead> <tr> <th data-bbox="328 1319 427 1827">Activity Area</th> <th data-bbox="328 1102 427 1319">Maximum Total Volume</th> </tr> </thead> <tbody> <tr> <td data-bbox="427 1319 555 1827">R Activity Areas FH Activity Area C Activity Area</td> <td data-bbox="427 1102 555 1319">500 m³</td> </tr> <tr> <td data-bbox="555 1319 619 1827">OS/F Activity Area</td> <td data-bbox="555 1102 619 1319">1,000 m³</td> </tr> <tr> <td data-bbox="619 1319 810 1827">L Activity Area G Activity Area LS Activity Area For any Mining undertaken in accordance with Rule 44.5.3</td> <td data-bbox="619 1102 810 1319">No maximum</td> </tr> </tbody> </table> <p data-bbox="847 1854 874 1890">(b)</p> <p data-bbox="847 1440 874 1818">Height of cut and fill and slope</p> <ol data-bbox="906 423 1114 1809" style="list-style-type: none"> a. The maximum height of any cut shall not exceed 2.4 metres. b. The maximum height of any fill shall not exceed 2 metres. c. The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see Interpretative Diagram 6), except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5 metre in height. <p data-bbox="1145 1854 1173 1890">(c)</p> <p data-bbox="1145 1778 1173 1818">Fill</p> <p data-bbox="1203 573 1262 1818">All fill for residential building platforms and associated retaining walls is to be in accordance with the requirements of NZS 4404:2010 and/or NZS 4431:1989 as appropriate.</p> <p data-bbox="1294 1368 1321 1890">(d)</p> <p data-bbox="1294 1368 1321 1818">Environmental Protection Measures</p>	Activity Area	Maximum Total Volume	R Activity Areas FH Activity Area C Activity Area	500 m ³	OS/F Activity Area	1,000 m ³	L Activity Area G Activity Area LS Activity Area For any Mining undertaken in accordance with Rule 44.5.3	No maximum	
Activity Area	Maximum Total Volume									
R Activity Areas FH Activity Area C Activity Area	500 m ³									
OS/F Activity Area	1,000 m ³									
L Activity Area G Activity Area LS Activity Area For any Mining undertaken in accordance with Rule 44.5.3	No maximum									

GLENDHU STATION ZONE

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status
	<p>i. Any person carrying out earthworks shall implement sediment and erosion control measures to avoid sediment effects beyond the boundary of the site.</p> <p>ii. Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site.</p> <p>iii. Areas of exposed soil are to be vegetated / re-vegetated within 12 months from the completion of works.</p> <p>(e) Water bodies</p> <p>i. Earthworks within 7m of the bed of any natural water body shall not exceed 20m³ in total volume, within one consecutive 12 month period.</p> <p>ii. Any material associated with earthworks activity shall not be positioned within 7m of the bed of any natural water body or where it may dam, divert or contaminate water.</p> <p>iii. Earthworks shall not:</p> <ol style="list-style-type: none"> a. cause artificial drainage of any groundwater aquifer; b. cause temporary ponding of any surface water. <p>(f) Cultural heritage and archaeological sites</p> <p>i. Earthworks shall not modify, damage or destroy any waahi tapu, waahi taonga or archaeological sites that are identified in the District Plan, except as authorised by resource consent or Heritage NZ authority.</p> <p>Council's Discretion is restricted to:</p> <ul style="list-style-type: none"> - The nature and scale of the earthworks - Environmental protection measures - Remedial works and revegetation 	

GLENDHU STATION ZONE

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Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status
	<ul style="list-style-type: none"> - The effects on landscape and visual amenity values - The effects on land stability and flooding - The effects on water bodies - The effects on cultural and archaeological sites - Noise 	
44.6.3	<p>Setbacks from Roads and Internal Boundaries</p> <p>(a) Buildings shall be set back a minimum of 20m from Motatapu Road and the Wanaka Mt Aspiring Road.</p> <p>The Council's discretion is restricted to the bulk, height and proximity of the building façade to the boundary and the impact on neighbours' amenity values.</p>	RD
44.6.4	<p>Fences</p> <p>All fences shall be restricted to post and rail or post and wire fences to a maximum height of 1.2m, with the exception of fencing of any mitigation and regeneration planting in accordance with Rule 44.5.4.</p> <p>The Council's discretion is restricted to impacts on landscape and amenity values.</p>	RD
44.6.5	<p>Vegetation</p> <p>(a) Planting for all building within Activity Area R implemented in accordance with the Rule 44.5.4 shall be irrigated for a period of five years from establishment.</p> <p>(b) All planting implemented in accordance with the Rule 44.5.4 shall be:</p> <ul style="list-style-type: none"> (i) Maintained for a period of ten years from the first season of planting. 	D

GLENDHU STATION ZONE

44

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status
	<ul style="list-style-type: none"> (ii) All diseased or dying plants shall be replaced. (iii) An annual report on the maintenance and health of planting is to be provided to the Council for a period of ten years from the first season of planting. (c) The planting of any exotic trees species, except as provided for through Rule 44.5.4. 	
44.6.6	<p>Structure Plan</p> <ul style="list-style-type: none"> (a) Development shall be undertaken in general accordance with the Structure Plan. 	D
44.6.7	<p>Residential and Visitor Accommodation Units</p> <ul style="list-style-type: none"> (a) Within Activity Area R there shall be no more than 50 residential or visitor accommodation units (b) Within Activity Area L there shall be no more than 10 detached residential or visitor accommodation units (excluding the lodge). (c) Within Activity Area LS there shall be no more than 12 residential or visitor accommodation units 	D
44.6.8	<p>Building Height</p> <ul style="list-style-type: none"> (a) The maximum height of buildings shall be: <ul style="list-style-type: none"> (i) (G), (FH) and (C) Activity Areas 10m (ii) (LS) Activity Area 10m (iii) (OS/F) Activity Area – All non-farm buildings 8m (iv) (OS/F) Activity Area - Farm buildings 10m 	NC

GLENDHU STATION ZONE

44

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status
	<p>(iv) Lodge (L) Activity Area 12m</p> <p>(v) (R) Activity Area 6m</p>	
44.6.9	<p>Lighting and Glare</p> <p>(a) All exterior lighting shall be fixed and no higher than 1 metre above finished ground level, capped, filtered or pointed downwards and screened so as to reduce lux spill.</p> <p>(b) All fixed lighting shall be directed away from adjacent roads and properties.</p> <p>(c) No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property.</p> <p>(d) There shall be no lighting of vehicle access ways within the Glendhu Station Zone.</p>	NC
44.6.10	<p>Servicing</p> <p>(a) All dwellings shall connect to infrastructure for the provision of a water supply, wastewater disposal, power and telecommunications.</p> <p>The Council's discretion is restricted to the capacity of infrastructure.</p> <p>(b) All services, with the exception of stormwater systems, shall be reticulated underground.</p> <p>Councils discretion is restricted to impacts on human health</p>	RD
44.6.11	<p>Outside storage and activities</p> <p>(a) All goods, materials or equipment be stored outside a building, except for vehicles associated with the activity parked on the site overnight, shall be screened from view of any public road.</p>	NC

GLENDHU STATION ZONE

44

Rule	Standards for activities located in the Glendhu Station Zone	Non-compliance Status
	(b) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building except in relation to farming.	
44.6.12	<p>Retailing</p> <p>The maximum gross floor area of any retail activities located within the FH Activity Area shall be 500 m²</p>	D
44.6.13	<p>Public Access</p> <p>The occupation of any residential or visitor accommodation unit, prior to the creation of the Public Access identified on the Structure Plan and in accordance with Rule 44.6.1.</p>	D

44.7 Non-Notification of Applications

- 44.7.1 Any application for resource consent for controlled activities shall not require the written consent of other persons and shall not be notified or limited-notified.
- 44.7.2 Any application for resource consent for the following restricted discretionary activities shall be considered without public notification but notice may be served on those persons considered to be adversely affected if the written approval has not been obtained:
 - (a) **Rule 44.5.5** Commercial and Visitor Accommodation Activities within the FH Activity Area
 - (b) **Rule 44.6.1** Standards for Public Access
 - (c) **Rule 44.6.4** Fences
 - (d) **Rule 44.6.11(a)** Servicing

GLENDHU STATION ZONE

44

44.8 Structure Plan

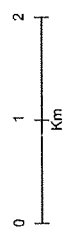
Palmersburg Road

Lake Wanaka

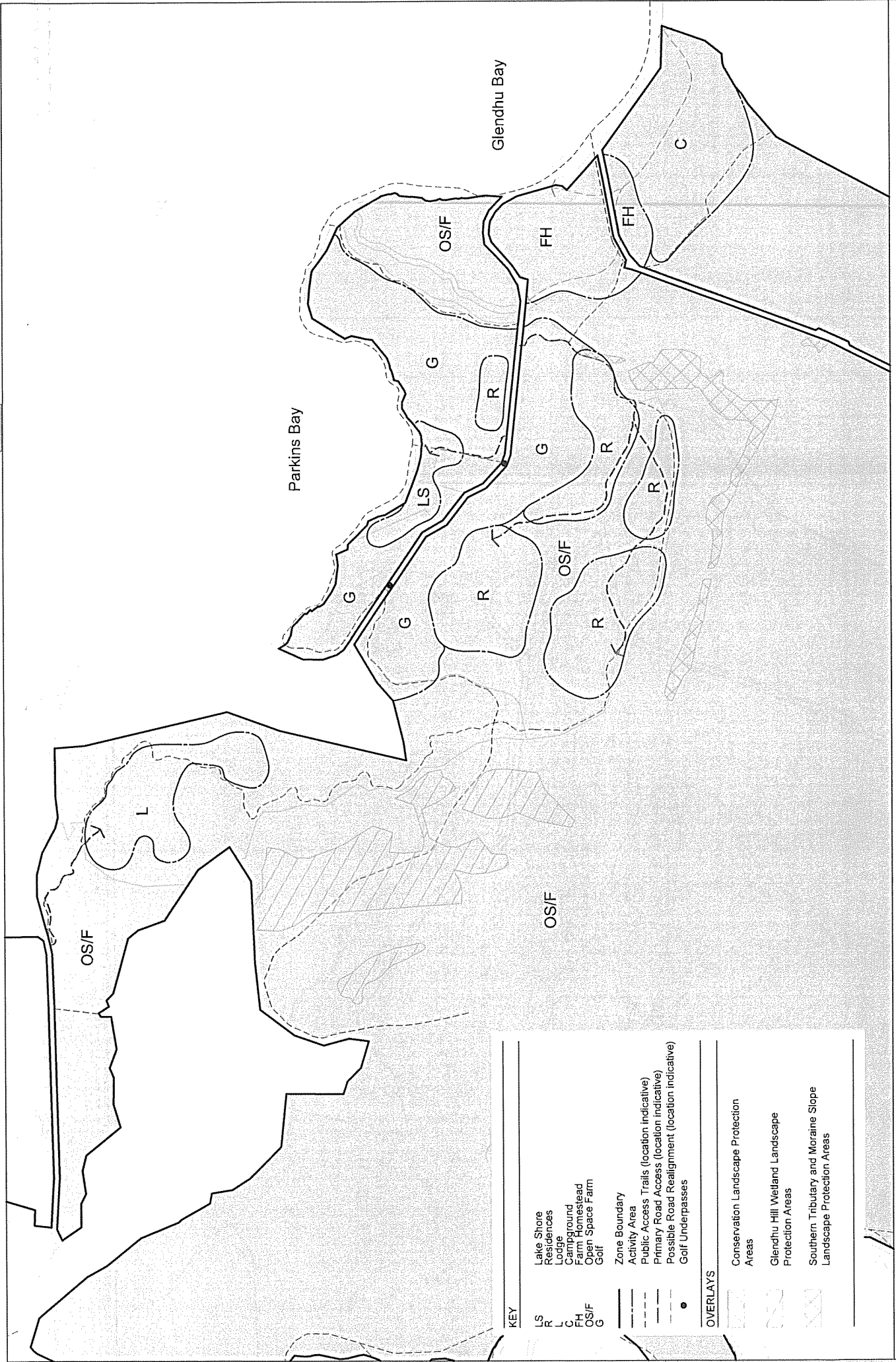
Tribble Cone Ski Area



KEY	
LS	Lake Shore
R	Residences
L	Lodge
C	Country Ground
FH	Farm Homestead
OS/F	Open Space Farm
G	Golf
Zone Boundary	
—	Activity Area
- - -	Public Access Trails (location indicative)
- - -	Primary Road Access (location indicative)
OVERLAYS	
[Stippled Pattern]	Conservation Landscape Protection Areas
[Diagonal Line Pattern]	Glendhu Hill Wetland Landscape Protection Areas
[Cross-hatch Pattern]	Southern Tributary and Moraine Slope Landscape Protection Areas



Proposed District Plan Map 7 Detail (Glendhu Station Zone)



KEY	
LS	Lake Shore Residences
R	Lodge
L	Campground
CH	Farm Homestead
OS/F	Open Space Farm
G	Golf
—	Zone Boundary
—	Activity Area
—	Public Access Trails (location indicative)
—	Primary Road Access (location indicative)
—	Possible Road Realignment (location indicative)
•	Golf Underpasses
OVERLAYS	
[Hatched Pattern]	Conservation Landscape Protection Areas
[Wavy Pattern]	Glendhu Hill Wetland Landscape Protection Areas
[Diagonal Lines]	Southern Tributary and Moraine Slope Landscape Protection Areas

Proposed District Plan Map 7 Detail (Glendhu Station Zone Enlargement)

'u'

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-000056

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 **Upper Clutha Environmental Society Inc**
Appellant

And **Queenstown Lakes District Council**
Respondent

Notice of Glendhu Bay Trustees Limited wish to be party to proceedings pursuant to section 274 RMA

10 July 2018

Exhibit Note

This is the annexure marked "u" referred to in the annexed affidavit of Ian William Bayliss which was sworn at Queenstown this 3 day of August 2018

before me

Signature _____

A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

Section 274 party's solicitors:

Maree Baker-Galloway | Rosie Hill
Anderson Lloyd
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DX Box ZP95010 Queenstown
p + 64 3 450 0700 | f + 64 3 450 0799
maree.baker-galloway@al.nz | rosie.hill@al.nz

**anderson
lloyd.**
Kate M. Andrew
Solicitor
Queenstown

To: The Registrar
Environment Court
Christchurch

- 1 Glendhu Bay Trustees Limited (**GBT**) wish to be a party pursuant to section 274 of the RMA to the following proceedings:

Upper Clutha Environmental Society Inc v QLDC (ENV-2018-CHC-000056) being an appeal against decisions of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).

- 2 GBT is a person who made a submission about the subject matter of the proceedings.
- 3 GBT is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
- 4 GBT is interested in all of the proceedings.
- 5 Without derogating from the generality of the above, GBT is interested in the following particular issue:

Chapter 21 Rural Zone / Chapter 27 Subdivision

- (a) All objectives, policies, assessment matters and rules and other provisions that relate to subdivision and/or development from the Operative District Plan Rural General zone are rolled over and included in the Stage One Proposed District Plan
 - (i) GBT opposes the relief sought because the proposed changes are too broad to properly understand the nature and effect of the proposed changes and they will, or could, fail to implement the higher order objectives of the PDP.

Chapter 21 Rural Zone

- (b) Rules 21.4.9 and 9a and Rules 21.4.10 and 10a
 - (i) GBT opposes the relief sought because elevation of the status of rural subdivision and/or development within the outstanding natural landscapes and features from discretionary to non-complying fails to appropriately recognise the benefits to the District of such activities and to implement the higher order objectives of the PDP

Planning Maps

- (c) The landscape lines shown on the Operative District Plan maps are rolled-over in their current form into the Stage One Proposed District Plan.

- (i) GBT opposes the relief sought because rolling over all of the landscape lines from the operative District Plan fails to appropriately recognise and provide for s 6(b) of the Act, and the extent to which such lines have been the subject to further investigation, including by the Council through the preparation of the Proposed District Plan..

6 GBT agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 10th day of July 2018

Maree Baker-Galloway

Maree Baker-Galloway/Rosie Hill
Counsel for the section 274 party

Address for service of person wishing to be a party

Anderson Lloyd

Level 2, 13 Camp Street

PO Box 201

Queenstown 9300

Phone: 03 450 0700 Fax: 03 450 0799

Email: maree.baker-galloway@al.nz | rosie.hill@al.nz

Contact persons: Maree Baker-Galloway | Rosie Hill

Advice

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

V

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rōhe

ENV-2018-CHC-000126

Under the Resource Management Act 1991

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 **Remarkables Park Limited**
Appellant

And **Queenstown Lakes District Council**
Respondent

Notice of Glendhu Bay Trustees Limited's wish to be party to proceedings pursuant to section 274 RMA

10 July 2018

Exhibit Note

This is the annexure marked "V" referred to in the annexed affidavit of Ian William Bayliss which was sworn at Queenstown this 3 day of August 2018

before me

Signature

*A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)*

Section 274 party's solicitors:
Maree Baker-Galloway | Rosie Hill
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**anderson
lloyd.**
Kate M. Andrew
Solicitor
Queenstown

To: The Registrar
Environment Court
Christchurch

- 1 Glendhu Bay Trustees Limited (**GBT**) wish to be a party pursuant to section 274 of the RMA to the following proceedings:

Remarkables Park Limited v Queenstown Lakes District Council (ENV-2018-CHC-000126) being an appeal against decisions of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).

- 2 GBT is a person who made a submission about the subject matter of the proceedings.
- 3 GBT is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
- 4 GBT is interested in all of the proceedings.
- 5 Without derogating from the generality of the above, GBT is interested in the following particular issues:

Chapter 4 Urban Development

- (a) GBT supports amendments to provisions of Chapter 4 to expressly provide for exemptions to the restrictions on urban development outside of the urban growth boundary and/or acknowledgement of the appropriateness of urban components to development in rural areas is supported as a sustainable and appropriate outcome in some instances to satisfy the objectives of the Plan and Part 2 of the Act.

Chapter 6 Landscapes

- (b) GBT supports the relief seeking additional policies expressly recognising tourism and commercial development and the benefits of diversification are supported as being appropriate for the sustainable management of the District's rural land resource.
- 6 GBT agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 10th day of July 2018

Maree Baker-Galloway

Maree Baker-Galloway/Rosie Hill
Counsel for the section 274 party

Address for service of person wishing to be a party

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Advice

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

'W'

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-000127

Under the Resource Management Act 1991

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 **Queenstown Park Limited**
Appellant

And **Queenstown Lakes District Council**
Respondent

Notice of Glendhu Bay Trustees wish to be party to proceedings pursuant to section 274 RMA

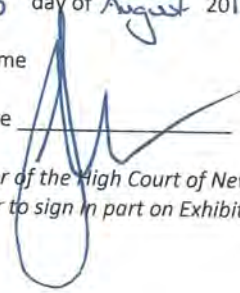
10 July 2018

Exhibit Note

This is the annexure marked "W" referred to in the annexed affidavit of *Jan William Baylis* which was sworn at *Queenstown* this *3* day of *August* 2018

before me

Signature



*A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)*

Section 274 party's solicitors:
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Kate M. Anderson
Solicitor
Queenstown

**anderson
lloyd.**

To: The Registrar
Environment Court
Christchurch

- 1 Glendhu Bay trustees Limited (**GBT**) wish to be a party pursuant to section 274 of the RMA to the following proceedings:

Queenstown Park Limited v Queenstown Lakes District Council (ENV-2018-CHC-000127) being an appeal against decisions of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).

- 2 GBT is a person who made a submission about the subject matter of the proceedings.
- 3 GBT is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
- 4 GBT is interested in all of the proceedings.
- 5 Without derogating from the generality of the above, GBT is interested in the following particular issues:

- 6 **Chapter 6 Landscapes**

- (a) The addition of new provisions that enable diversification of activities in the Rural Zone
 - (i) GBT supports the relief sought because additional policies expressly recognising tourism and commercial development and the benefits of diversification are being appropriate for the sustainable management of the District's rural land resource.

- 7 **Chapter 6 Landscapes**

- (a) Add a new policy "Tourism and associated activities may need to be located within Outstanding Natural Landscapes for functional reasons".
 - (i) GBT supports the relief sought because the suggested policy provides an appropriate addition to the suite of other policies relating to the management of Outstanding Natural Landscapes.

'X'

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-000056

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 **Upper Clutha Environmental Society Inc**
Appellant

And **Queenstown Lakes District Council**
Respondent

Notice of Mt Christina wish to be party to proceedings pursuant to section 274 RMA

10 July 2018

Exhibit Note

This is the annexure marked "X" referred to in the annexed affidavit of *Jan William Bayliss* which was sworn at *Queenstown* this *3* day of *August* 2018

before me

Signature

*A solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)*

Section 274 party's solicitors:

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Kate M. Andrew
Solicitor
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**anderson
lloyd.**

To: The Registrar
Environment Court
Christchurch

- 1 Mt Christina (**MCL**) wish to be a party pursuant to section 274 of the RMA to the following proceedings:

Upper Clutha Environmental Society Inc v QLDC (ENV-2018-CHC-000056) being an appeal against decisions of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).

- 2 MCL is a person who made a submission about the subject matter of the proceedings.
- 3 MCL is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
- 4 MCL is interested in all of the proceedings.
- 5 Without derogating from the generality of the above, MCL is interested in the following particular issue:

Chapter 21 Rural Zone / Chapter 27 Subdivision

- (a) All objectives, policies, assessment matters and rules and other provisions that relate to subdivision and/or development from the Operative District Plan Rural General zone are rolled over and included in the Stage One Proposed District Plan.
- (i) MCL opposes the relief sought because the proposed changes are too broad to properly understand the nature and effect of the proposed changes and they will, or could, fail to implement the higher order objectives of the PDP.

Chapter 21 Rural Zone

- (b) Rules 21.4.9 and 9a and Rules 21.4.10 and 10a.
- (i) MCL opposes the relief sought because elevation of the status of rural subdivision and/or development within the outstanding natural landscapes and features from discretionary to non-complying fails to appropriately recognise the benefits to the District of such activities and to implement the higher order objectives of the PDP.

Planning Maps

- (c) The landscape lines shown on the Operative District Plan maps are rolled-over in their current form into the Stage One Proposed District Plan.
- (i) MCL opposes the relief sought because rolling over all of the landscape lines from the operative District Plan fails to appropriately recognise and provide for s 6(b) of the Act, and the extent to which such lines have been the subject to further investigation, including by the Council through the preparation of the Proposed District Plan. MCL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 10th day of July 2018

Maree Baker-Galloway

Maree Baker-Galloway/Rosie Hill
Counsel for the section 274 party

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Advice

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- 8 **Chapter 21 Rural Zone –**
- (a) Amendments to policy 21.2.1.10
 - (i) GBT supports the relief sought because the proposed amendments to this policy are supported as being clearer and more direct.
- 9 **Chapter 21 Rural Zone –**
- (a) Amendments to policy 21.2.1.15
 - (i) GBT supports the relief sought because the proposed amendments to this policy introduce a qualifier that is appropriate given the range of other policies within the plan relating to amenity, traffic and access.
- 10 **Chapter 21 Rural Zone - Rules 21.4 Table 1**
- (a) Add a new rule to Table 1 “Commercial activities linked to the natural and physical resources of the rural area”
 - (i) GBT supports the relief sought because the suggested new rule in an appropriate addition to the rules of the Rural zone.
- 11 **Chapter 21 Rural Zone - Rule 24.1 Table 1**
- (a) Add a new rule to Table 1 “Restaurant/Café” and apply “controlled” activity status.
 - (i) GBT supports the relief sought because the addition of a new rule enabling restaurants or cafes as a controlled activity is supported.
- 12 **Chapter 33 Indigenous Vegetation and Biodiversity - New Policies**
- (a) Addition of new policies;
 - (i) GBT supports the relief sought in part to the extent they do not compromise the higher order objectives recognising the significant socioeconomic benefits of well-designed and appropriately located visitor industry facilities.

13 **Chapter 33 Indigenous Vegetation and Biodiversity - Policy 33.2.2.2**

(a) Amend to read "Allow the clearance of indigenous vegetation within Significant Natural Areas where that clearance is undertaken in a manner that retains the indigenous biodiversity values".

(i) GBT supports the relief sought because the wording of the proposed policy provides a more flexible policy basis for the management of the biodiversity values of SNAs.

14 **Chapter 33 Indigenous Vegetation and Biodiversity - Rules 33.5.1.1, 33.5.1.2, 33.5.2.1 and 33.5.2.2 – Indigenous vegetation clearance thresholds.**

(i) GBT supports the relief sought because increasing each of the thresholds relating to indigenous vegetation clearance is supported.

15 GBT agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 10th day of July 2018

Maree Baker-Galloway

Maree Baker-Galloway/Rosie Hill
Counsel for the section 274 party

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Advice

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