

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

## Queenstown Lakes District Council

### Proposed District Plan - Submission Form

Clause 6 of First Schedule, Resource Management Act 1991  
FORM 2

Correspondence to:  
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For office use only

Submission No:

Receipt Date:

#### 1. Submitter details:

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#### 2. Scope of submission

- 2.1 This is a submission to the Queenstown Lakes District Proposed District Plan (“PDP”), notified 26 August 2015**
- 2.2 The scope of this submission is detailed below and in Part 3 of the submission.**
- 2.3 Summary and purpose of the submission:**

The submission seeks to modify the PDP to:

- (a) provide greater recognition of other activities that rely on rural resources;
- (b) better provide for subdivision and development that avoids, remedies or mitigates adverse effects on landscape character and visual amenity values;
- (b) rezone land located at 343 Arrowtown-Lake Hayes Road (legally described as Pt Lot 3 DP 5737 and Lot 1 DP 18109 BLK VII Shotover SD (“the subject land”) as either:
  - (i) An extension of the Rural Residential Zone at the north of Lake Hayes; or
  - (ii) An extension of the Resort - Waterfall Park Special Zone; or
  - (iii) A zone that recognises the ability of the land to absorb a significant amount of residential development.

The details of the submission and the reasons for the submission are set out in Parts 3.2 – 3.7 below.

## 2.4 The resource management basis for the submission is:

The Proposed District Plan (**PDP**) must, in achieving the purpose of the Act, strike an appropriate balance between all relevant resource management issues relating to the use, development and protection of the District's natural and physical resources. The rapid growth of the District will continue for the foreseeable future – being well beyond the life of this District Plan – and the District Plan has a fundamental role in accommodating this growth, while protecting the values that contribute to how people and communities appreciate the District. This appreciation is the very reason for the rapid growth.

Growth must be accommodated in many sectors: residential, visitor accommodation, retail, business, industrial, tourism, and commercial recreation, and all related sectors and services such as education, community, and transport. All of these uses require physical space. For some uses there is likely to be sufficient spatial capacity (over the life of the District Plan) but for other uses there are current pressing needs for new space.

In the residential sector, the growth is in all of the residential demand categories and across a range of affordabilities, including in high and low density urban and suburban areas, and rural residential and rural lifestyle areas. All of these categories of demand will continue to grow, and the District Plan must recognise and provide for this, within the parameters of the purpose and principles of the Act.

Growth impacts on other resource management issues facing the District. One of the most important of these (alongside managing natural conservation values, managing urban amenity values, and servicing growth with utilities and road access) is managing the District's landscape values. The primary subject of this submission is how the District Plan manages the effects of growth on landscape values, and the submission is founded on the basic premise that growth will inevitably affect landscape values. This inevitability should be accepted, and the District Plan should focus on how the effects can be appropriately managed so that adverse effects are avoided, remedied or mitigated and future generations can continue to enjoy the values that attract growth.

AFE considers that the PDP as notified does not strike an appropriate balance between accepting the inevitability of growth and how landscape values should be managed in the face of this growth. Rather, the PDP is weighted too far in the direction of protection of all landscapes, and this will frustrate appropriate development proposals.

Further, the notified PDP over-emphasises the importance of farming activities. Farming is one method for utilising rural resources, but its long term economic opportunities, in many rural parts of the District, are very uncertain. There are very few farmers that derive their income entirely from farming, particularly within the Wakatipu Basin.

Other activities that require a rural location, such as rural living and visitor activities, may better provide economic wellbeing for landowners and the wider community in the face of rapid growth, and therefore should also be enabled and should be on at least an equal footing with farming, depending on location and managing potential adverse effects on landscape and other values.

A District Plan regime that balances protection and use and development of all resources, taking into account particularly Sections 6(b) (the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development); 7(b) (the efficient use of natural and physical resources); 7(c) (the maintenance and enhancement of amenity values) and 7(f) (the maintenance and enhancement of the quality of the environment) is the most appropriate regime to achieve the purpose of the Act.

Accordingly, AFE considers that PDP Chapters 3 (Strategic Direction), 6 (Landscapes) and 21 (Rural) should be modified. These modifications are set out in Parts 3.2 – 3.4 below.

## 2.5 The specific provisions that my submission relates to are:

- (a) Chapter 3: Strategic Direction – Objective 3.2.1.4, Objective 3.2.1.5 and Policies 3.2.5.5.1 and 3.2.5.5.2
- (b) Chapter 6: Landscapes – Chapter 6.1 – Purpose and Chapter 6.2 – Values; Objectives 6.3.1, 6.3.2, 6.3.5, and all allied policies;
- (c) Chapter 21: Rural zone – Zone Purpose 21.1, Objective 21.2.1 and Policy 21.2.1.1 – 21.2.1.6; Objective 21.2.10 and Policies 21.2.10.1 – 21.2.10.3;
- (d) Chapter 26: Rural Residential and Rural Lifestyle Zones – Zone Purpose 22.1, Objectives and policies 22.2, Rule 22.4.3.2, Concept Development Plan;
- (e) Chapter 27: Subdivision – Rule 27.4.1
- (f) Chapter 42: Waterfall Park Special zone – Rule 42.5.2; Concept Development Plan;
- (g) Proposed Planning Maps: Map 26 (Speargrass Flat, Millbrook);
- (h) Any other provisions relevant to the purpose of this submission described in Part 2.2 above.

## 3. Submission

### 3.1 Chapter 3: Strategic Direction

#### 3.1.1 Goals, objectives and policies:

- (a) AFE generally **SUPPORTS** the goals, objectives and policies in Chapter 3.2, but seeks modifications as follows:

*Objective 3.2.1.4* ~~Recognise the potential for rural areas to diversify their land use beyond the strong productive value of~~ **traditional rural activities including** farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests.

...

*Objective 3.2.5.2* ~~Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.~~ **Recognise the landscape character and visual amenity values of the Rural Landscapes and manage the adverse effects of subdivision, use and development on these values,**

*Policies 3.2.5.2.1* ~~Identify the district's Rural Landscapes Classification on the district plan maps, and minimise the effects of subdivision, use and development on these landscapes.~~

**3.2.5.2.2 Avoid, remedy or mitigate the adverse effects of subdivision, use and development within Rural Landscapes.**

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.*

Policies **3.2.5.3.1** *Direct urban development to be within Urban Growth Boundaries (UGB's) where these apply, or within the existing rural townships.*

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

Policies **3.2.5.4.1** *Give careful consideration to cumulative effects in terms of character and environmental impact when considering residential activity in rural areas.*

**3.2.5.4.2** *Provide for rural living opportunities in appropriate locations.*

Objective **3.2.5.5** *Recognise that agricultural land use **and other activities that rely on rural resources** is are fundamental to the character of ~~our~~ the landscapes.*

Policies **3.2.5.5.1** *Give preference to farming activity **and other activities that rely on rural resources** in rural areas except where it conflicts with significant nature conservation values.*

**3.2.5.5.2** *Recognise that the retention of the character of rural areas is often dependent on the ongoing viability of **activities that rely on rural resources** and farming and that evolving forms of agricultural **and other** land uses which may change the landscape are anticipated.*

- (b) The reasons for the support and the modifications are:
- (i) An over-arching strategic direction is necessary to provide the foundation themes and overall framework for the subsequent chapters of the District Plan. Chapter 3 adequately achieves this direction particularly in relation to how the District Plan will manage the rapid population growth of the District and the effects of population growth on the District's natural and physical resources.
  - (ii) Objective 3.2.5.5 and its allied policies overly emphasise the importance of farming activities and do not recognise other important natural factors and processes and human activities that have shaped the landscape character of the District.
  - (iii) The proposed modifications remedy this by including, along with farming, other activities that rely on rural resources as being fundamental to landscape character.
  - (iv) The modifications to Objective 3.2.5.2 and Policy 3.2.5.2.1 are necessary for the following reasons:
    - (a) The use of the term "minimise" in the objective is too broad and could disenable otherwise legitimate development proposals. The proposed words "*recognise ... values and manage the adverse effects ... on these values*" more clearly sets out that, in any specific proposal

(whether a plan change or resource consent) the landscape and visual amenity values must be recognised (which, in practice, would be by way of thorough assessment) and then adverse effects on such values must be managed. This means that adverse effects must be avoided, remedied or mitigated, as is the duty under section 5 of the Act.

- (b) The splitting of Policy 3.2.5.1 into two policies 3.2.5.2.1 and 3.2.5.2.2 better separates the two distinct purposes which are:
- to identify the relevant landscapes; and
  - to set out the intent of the District Plan for those landscapes.
- (c) The insertion better aligns the policy with the parent objective, which is to manage the adverse effects of subdivision and development on the relevant values.
- (d) Adverse effects should be “*avoided, remedied or mitigated*”, rather than “*minimised*”, and this aligns with section 5(2)(c) of the Act. It also better provides for the different (and in many cases unique) circumstances of any particular development proposal where the adverse effects on landscape character and visual amenity values may, in the broad determination under section 5, not necessarily need to be completely avoided but could be adequately remedied or mitigated. The opportunities for this should be expressed in the policy.
- (vi) Objectives 3.2.5.3 and 3.2.5.4 and their allied policies are supported because these provisions correctly identify that some parts of the District have capacity to absorb change without detracting from landscape and visual amenity values, whether by way of zone or consent, but that residential development in rural areas needs to be carefully managed to avoid, remedy or mitigate potential adverse effects on landscape character and visual amenity values.

## 3.2 Chapter 6: Landscapes

### 3.2.1 Chapter 6.1 – Purpose and 6.2 – Values

- (a) AFE **OPPOSES** the goals, objectives and policies in Chapter 3.2, and seeks modifications as follows:

#### 6.2 Values

...

*Some rural areas, particularly those closer to Queenstown and Wanaka town centres and within parts of the Wakatipu Basin, have an established pattern of housing on smaller landholdings. The landscape character of these areas has been modified by vehicle accesses, earthworks and vegetation planting for amenity, screening and shelter, which have reduced the open character exhibited by larger scale farming activities.*

*While acknowledging these rural areas have established housing, a substantial amount of subdivision and development has been approved in these areas and the landscape values of these areas are vulnerable to degradation from further subdivision and development. It is realised that rural lifestyle **living** development has a finite capacity if the District's distinctive rural landscape values are to be sustained.*

**However, rural living can be enabled in certain locations if landscape character and visual amenity values are not unduly compromised.**

- (b) The reasons for the opposition and the modifications are:
- (i) The vision statement as notified properly recognises the finite capacity of the rural resources to absorb new rural living development, but needs to also recognise that there are rural areas that can absorb development, whether in new areas or infill within existing areas, provided that the potential adverse effects on the landscape character and visual amenity values are properly considered when determining applications.
  - (ii) Further subdivision within some areas should not be forbidden or necessarily discouraged. Rather, the focus should be on accepting that there will be pressure on the rural resources to absorb new development and to focus the assessment on such matters as specific location within the topography, boundaries, access, landscaping, colours and materials of buildings, and visibility from other areas.

### 3.2.2 Objectives and policies

- (a) AFE **OPPOSES** Objective 6.3.1 and Policies 6.3.1.1 – 6.3.1.4, and seeks the following modifications:

**6.3.1 Objective** ***The District contains and values Outstanding Natural Features, and Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development and Rural Landscapes where the adverse effects of subdivision and development are appropriately managed.***

*Policies* **6.3.1.1** *Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the Planning Maps.*

**6.3.1.2** *Classify the Rural Zoned landscapes in the District as:*

- *Outstanding Natural Feature (ONF)*
- *Outstanding Natural Landscape (ONL)*
- *Rural Landscape Classification (RLC)*

**6.3.1.3** *That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, ~~be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is~~ **are** inappropriate in almost all most locations, meaning successful applications will be exceptional cases.*

**6.3.1.4** *That subdivision and development proposals located within the Rural Landscape ~~be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is~~ inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters. That subdivision and development proposals within the Rural Landscapes are located and designed in such a manner that adverse effects on landscape character and*

**visual amenity values are avoided, remedied or mitigated.**

**6.3.1.5** Avoid urban subdivision and development in the Rural Zones.

**6.3.1.6** Enable rural ~~lifestyle~~ living through ~~applying~~ Rural Lifestyle Zone and Rural Residential Zone zones ~~plan changes~~ in areas where the landscape can accommodate change, **and carefully considered applications for subdivision and development for rural living.**

- (b) The reasons for the opposition and the modifications are as follows:
- (i) The term “Rural Landscape Classification” is cumbersome, and the abbreviation “RLC” is likely to be misinterpreted as meaning “Rural Landscape Character”. Amending the term to “Rural Landscape” and “RL” avoids this problem.
  - (ii) Objective 6.3.1 should only apply the term “*inappropriate*” to landscapes that are protected through section 6(b) of the Act, ie. Outstanding Natural Landscapes and Outstanding Natural Features. The term “*inappropriate*” should not be applied to the Rural Landscape for the following reasons:
    - (a) It is contrary to Section 6(b) of the Act;
    - (b) It is contrary to the relevant objectives and policies in the Strategic Direction Chapter, including Objective 3.2.5.2 and 3.2.5.3 and their allied policies.
  - (iii) The basic mechanics of the rules which implement these objectives and policies require that proposals are assessed against the assessment matters. The policies should not state that proposals will be assessed against the assessment matters; the wording in Policies 6.3.1.3 and 6.3.1.4 is redundant.
  - (iv) The revised wording of Policies 6.3.1.3, 6.3.1.4 and 6.3.1.6 is appropriate for the following reasons:
    - (a) The “exceptional” formulation came from an Environment Court case about the Wakatipu Basin. The Council has not carried out any landscape or section 32 analysis which justifies extending that very stringent test to the significant majority of the District.
    - (b) For Policy 6.3.1.4:
      - The reason in (ii) above in relation to the assessment matters; and
      - To ensure that the “*inappropriate*” test of Section 6(b) of the Act does not apply to subdivision and development within landscapes that are not outstanding, and
    - (b) For Policies 6.3.1.4 and 6.3.1.6: Adverse effects should be “*avoided, remedied or mitigated*” which aligns with section 5(2)(c) of the Act. It also better provides for the different (and in many cases unique) circumstances of any particular development proposal where the adverse effects on landscape character and visual amenity values may, in the broad determination under section 5, not necessarily need



to be completely avoided but could be adequately remedied or mitigated. The opportunities for this should be expressed in the policy.

- (c) AFE **OPPOSES** Objective 6.3.2 and Policies 6.3.2.1 – 6.3.2.5, and seeks the following modifications:

**6.3.2 Objective** ***Avoid, remedy or mitigate adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.***

*Policies* **6.3.2.1** *Acknowledge that subdivision and development in the rural zones, specifically residential development, has a finite capacity if the District's landscape quality, character and amenity values are to be sustained.*

**6.3.2.2** *Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be ~~degraded~~ **significantly adversely affected, recognising that there are parts of the rural areas that can absorb rural living development provided that the potential adverse effects on the landscape character and visual amenity values are properly considered when determining applications.***

**6.3.2.3** *Recognise that proposals for residential subdivision or development in the Rural Zone that seek support from existing and consented subdivision or development have potential for adverse cumulative effects. ~~Particularly where the subdivision and development would constitute sprawl along roads.~~*

**6.3.2.4** *Have particular regard to the potential adverse effects on landscape character and visual amenity values ~~from infill within areas with existing rural lifestyle development or where further subdivision and development would constitute sprawl along roads.~~*

**6.3.2.5** *Ensure incremental changes from subdivision and development do not degrade landscape quality or character or ~~openness~~ **important views** as a result of activities associated with mitigation of the visual effects of proposed development such as screening planting, mounding and earthworks.*

- (d) The reasons for the opposition and the modifications are as follows:

- (i) Objective 6.3.2 as notified seeks to avoid adverse cumulative effects. This is too strong and may foreclose the opportunity for proposals for which adverse effects can be adequately remedied or mitigated, if not entirely avoided. Such an assessment would be made at the time of the application. The insertion of "*remedy or mitigate*" into the objective is therefore necessary.
- (ii) Policy 6.3.2.1, 6.3.2.3 and 6.3.2.4 are supported because they properly identify that there is a finite capacity for further development in rural areas and that sprawl along roads should be strongly discouraged. However, infill

within existing rural living zones should not be discouraged, and there is repetition in policies 6.3.2.3 and 6.3.2.4.

- (iii) However, Policy 6.3.2.2 should be amended to recognise that there are rural areas that can absorb development, whether in new areas or infill within existing areas, provided that landscape character and visual amenity values are not *significantly* adversely affected. This wording recognises that the landscape values are one component – albeit a very important component – in the overall determination of applications, and seeks that any potential adverse effects are properly considered in this determination.
- (iv) Policy 6.3.2.5 is modified by deleting reference to “openness” because “openness” is a physical characteristic which is not affected by works intended to screen development. It is views which are affected by screening.
- (e) AFE **OPPOSES** Objective 6.3.5 and Policies 6.3.5.1 – 6.3.5.6, and seeks the following modifications:

**6.3.5 Objective** *Ensure ~~that subdivision and development does not degrade~~ avoids, remedies or mitigates adverse effects on landscape character and diminish visual amenity values of the Rural Landscapes (RLC).*

*Policies* **6.3.5.1** *Allow subdivision and development only where it will not ~~degrade~~ significantly adversely affect the landscape quality or character; or ~~diminish the~~ visual amenity values ~~identified for~~ of any Rural Landscape.*

**6.3.5.2** *Avoid, remedy or mitigate any 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 roads.*

**6.3.5.3** *Avoid planting and screening, particularly along roads and boundaries, which would ~~degrade~~ adversely affect openness views where such ~~openness~~ views are is an important part to the appreciation of the landscape quality or character.*

**6.3.5.4** *Encourage any landscaping to be sustainable and consistent with the established character of the area.*

**6.3.5.5** *Encourage development to utilise shared accesses and infrastructure, to locate within the parts of the site where they will be least visible, and have the least disruption to the landform and rural character.*

~~**6.3.5.6** *Have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present.*~~

- (f) The reasons for the opposition and the modifications are as follows:

- (i) Objective 6.3.5 is modified by replacing “*degrade*” with “*avoids, remedies or mitigates adverse effects on*” which aligns with section 5(2)(c) of the Act. It also better provides for the different (and in many cases unique) circumstances of any particular development proposal where the adverse effects on landscape character and visual amenity values may, in the broad determination under section 5, not necessarily need to be completely avoided but could be adequately remedied or mitigated. The opportunities for this should be expressed in the policy.
- (ii) Policy 6.3.5.2 is modified for the same reasons as in (i) above.
- (iii) Policy 6.3.5.3 is modified by deleting references to “*openness*”, as the Environment Court has confirmed that that is not an issue in non-outstanding landscapes, and replacing with “*views*” where such views “*are important to the appreciation of the landscape quality of character*”. This then invites specific analysis of the views, whether open or not, in the particular circumstances of any proposal.
- (iv) Policy 6.3.5.6 is deleted from this part of the PDP and shifted to where it is relevant under outstanding natural landscapes, under Objective 6.3.4.

### 3.3 Chapter 21: Rural Zone

#### 3.3.1 Zone Purpose 21.1 and objectives 21.2.1 and associated policies

- (a) AFE **SUPPORTS** these provisions but seeks modifications as follows:

##### 21.1 Zone Purpose

*The purpose of the Rural zone is to enable farming activities **and other activities that rely on rural resources** while protecting, maintaining and enhancing landscape values, nature conservation values, the soil and water resource and rural amenity.*

*A wide range of productive activities occur in the Rural Zone and because the majority of the District’s distinctive landscapes comprising open spaces, lakes and rivers with high visual quality and cultural value are located in the Rural Zone, there also exists **a wide range of the desire for rural living, recreation, commercial and tourism activities and the desire for further opportunities for these activities.***

...

**21.2.1 Objective** *Enable farming, ~~permitted~~ **other activities that require a rural location and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.***

*Policies* **21.2.1.1** *Enable farming **and other activities that require a rural location and other established** activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins.*

**21.2.1.2** *Provide for Farm Buildings ~~associated with larger landholdings~~ where the location, scale and colour of the buildings will not adversely affect landscape values.*

**21.2.1.4** *Minimise ~~the~~ dust, visual, noise and odour effects of activities on by requiring facilities to locate a greater distance from formed roads, neighbouring properties, waterbodies and zones that are likely to contain residential and commercial activity.*

**21.2.1.6** *Avoid, mitigate, remedy or off-set adverse cumulative impacts on ecosystem services and nature conservation values.*

(b) The reasons for the support and the modifications are:

- (i) The Zone Purpose, Objective 21.2.1 and Policy 21.2.1.1 over-emphasise the importance of farming activities and do not recognise that many other activities require a rural location because they rely on rural resources. The proposed modifications remedy this by enabling, along with farming, other activities that rely on rural resources.
- (ii) Farming is one method for utilising rural resources, but its long term economic future, in many rural parts of the District, is uncertain. Other activities that require a rural location, such as commercial recreation activities, may better provide economic wellbeing for landowners and the wider community and therefore should also be enabled and should be on at least an equal footing with farming.
- (iii) Because of their over-emphasis on farming, these provisions are inconsistent with other provisions that directly promote diversification of the use of rural resources. Examples of other such provisions are:
  - 21.1 – Zone Purpose: second and third paragraphs;
  - Objective 21.2.10 and allied policies, regarding diversification of farms (subject to the modifications in Part 3.3.2 below).
- (iv) Policy 21.2.1.2 should be amended to avoid confusion of what a “larger landholding” may be perceived to be (it is not a defined term in the PDP). Farm buildings to be provided for on rural zoned sites of any size.
- (v) Policy 21.2.1.4 is attempting to control reverse sensitivity effects, however the phrase “locate a greater distance...” provides no certainty of intent or outcome.
- (vi) Policy 21.2.1.6 does not align well with the RMA. “Ecosystems services” is defined within the PDP, however further nature conservation values are not defined within the PDP and should be clarified.

### 3.3.2 Objective 21.2.10 and associated policies relating to the potential for diversification of farms

(a) AFE **SUPPORTS** the objective and policies but seeks modifications as follows.

**21.2.10 Objective** *Recognise the potential for diversification of rural activities (including farming activities) farms that utilises support the sustainability of the natural or and physical resources of farms rural areas and supports the sustainability of farming activities.*

**Policies** **21.2.10.1** *Encourage revenue producing activities that can support the long term sustainability of farms in the rural areas of the district.*

**21.2.10.2** *Ensure that revenue producing activities utilise natural and physical resources (including buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural values.*

**21.2.10.3** *Recognise that the establishment of complementary activities such as commercial recreation or visitor accommodation located within farms may enable landscape values to be sustained in the longer term. Such positive effects should be taken into account in the assessment of any resource consent applications.*

- (b) The reasons for the support and amendments are:
- (i) The notified wording of these provisions follows on from the higher order provisions in Chapter 3 and in Objective 21.2.1 and its allied policies, as discussed in parts 3.2 and 3.4.1 of this submission. In many parts of the District farming is not an economically sustainable activity, and it may remain that way for the foreseeable future.
  - (ii) The modifications seek to ensure that the sustainability applies to the natural and physical resources of the rural areas and is not exclusively about the sustainability of “farming”. Farming is one of many activities that utilise those natural and physical resources.

### 3.4 Chapter 27: Subdivision and Development

#### 3.4.1 Rule 27.4.1

The Submitter **OPPOSES** the discretionary status of subdivision in the Rural Residential and Rural Lifestyle Zones and seeks that the status is controlled, for the following reasons:

- (a) The purpose of the Rural Residential and Rural Lifestyle Zones is very specific (i.e. living in a defined rural area at a defined density, with a limited range of matters that are relevant to a subdivision application) and the subdivision rules should be more enabling to better achieve this zone purpose and should provide certainty to landowners.
- (b) There are various other development controls that provide certainty of outcome and the Council does not need discretion to refuse consent.
- (c) The controlled status focuses a resource consent application and its assessment to the proper issues and is therefore more efficient in relation to transaction costs both for an applicant, the Council and any other parties.
- (d) The District Plan should include some appropriate and focused assessment matters to better direct the assessment by both applicant and the Council.

### 3.5 Planning Maps

#### 3.5.1 Planning maps 10 and 26

- (a) AFE seeks the extension of either:

- (i) The Rural Residential Zone north of Lake Hayes (excluding the increased setback rule specific to this zone); OR, in the alternative:
- (ii) The Resort - Waterfall Park Special Zone; OR, in the alternative:
- (iii) A site specific Ayrburn Zone, similar to the site specific Waterfall Park zone –

over the subject land, as described in sections 3.5 and 3.6 above and as marked on Planning Maps 10 and 26 as shown on [Figure 1](#) and [Figure 2 attached](#).

- (b) As part of the two alternative reliefs seeking an extension of the Waterfall Park Special Zone or a site specific Ayrburn Zone, AFE requests that the Arrowtown Urban Growth Boundary ("**UGB**") be amended by removing the short section of UGB located between Millbrook and Meadow Park/Feeley Hill and extending the Arrowtown UGB so that it encompasses all of the Millbrook Resort Zone, the Waterfall Park Resort Zone, and the new Ayrburn Residential Zone (if applicable) within the Arrowtown UGB.
- (c) The reasons for the submission are:
  - (i) The extension of the Rural Residential Zone north of Lake Hayes across the land subject to this submission is a logical continuation of an appropriate pattern of development in this part of the Wakatipu Basin. The proposed rezoning would be in keeping with the wider settlement pattern of outlying suburbs and larger lot developments.
  - (ii) Alternatively, an extension of the Resort - Waterfall Park Special Zone, or creation of a site specific Ayrburn Zone, would achieve a similarly appropriate outcome.
  - (iii) The purpose of any of the options above is to utilise the locational, natural and physical attributes of the Ayrburn Farm land for accommodating people seeking a rural residential environment. The attributes of the land for this purpose are:
    - The location adjoining the rural residential area north of Lake Hayes and north of Speargrass Flat, where rural residential activities have established a distinct character;
    - The location adjoining the Millbrook and Waterfall Park zones which are zoned for urban development;
    - The ability to contain development within the flat land and maintain the values of the land rising to the north;
    - The ability to separate new development from the adjoining roads (Lake Hayes – Arrowtown Road and Speargrass Flat Road), to avoid or mitigate any potential effects of new development on landscape character or visual amenity values;
    - The ability to separate development from the existing properties to the south and to provide buffer planting;
    - The ability to access the site safely and efficiently, and the ability to service the land efficiently;
    - The ability to provide for residential development on land that can absorb such development without significant “externalities” in the form of adverse effects.

- (iv) In many parts of the District, particularly the Wakatipu Basin, farming is not an economically sustainable activity, and it may remain that way for the foreseeable future. Given the pressure for further development, it is appropriate to identify locations for new residential development and to provide for this with a specific zone.
- (v) The Arrowtown UGB should include all relevant zones which contain or are zoned for urban development. The Millbrook Zone contains areas of urban development located within areas of open space. The Waterfall Park Resort Zone is zoned for urban density development. The new Ayrburn Residential Zone (whether or not an extension of the Waterfall Park Zone) would provide for development of an urban nature. The Arrowtown UGB should encompass all of these areas (just as the Jacks Point Resort Zone, which has very similar characteristics, is all contained within a UGB).

### 3.6 Rural Residential Zone option

#### 3.6.1 Concept Development Plan for the Ayrburn Rural Residential Zone

- (a) AFE seeks the inclusion of the “Ayrburn Rural Residential Concept Development Plan” for the expanded Rural Residential Zone north of Lake Hayes (as sought in 3.6 of this submission, above) as Rule 22.7.3 of Chapter 22.
- (b) The indicative Concept Development Plan is included as **Figure 3** attached, and shows a potential rural residential layout, how the existing features can be protected, and how visibility from public places and effects on existing rural amenities can be mitigated through setbacks and landscaping. The subject land is approximately 45 ha, contains historic buildings and an avenue of protected trees. Mill Creek flows through the land.
- (c) AFE seeks the inclusion of a new Table 8 in Chapter 22, as follows:

<b><u>Table 8</u></b>	<b><u>Ayrburn Rural Residential Concept Development Plan</u></b>	<b><u>Non-compliance status</u></b>
<b><u>22.5.39</u></b>	<b><u>Density</u></b> <i>There shall be no more than 30 rural residential lots and one residential unit per lot.</i>	<u>NC</u>
<b><u>22.5.40</u></b>	<b><u>Building Height</u></b> <i>The maximum building height shall be 8m.</i>	<u>D</u>
<b><u>22.5.41</u></b>	<b><u>Building Location</u></b> <i>The location of buildings shall be in accordance with the Ayrburn Rural Residential Concept Development Plan in rule <b>22.7.3</b>.</i>	<u>D</u>
<b><u>22.5.42</u></b>	<b><u>Design Standards</u></b> <b><u>22.5.42.1</u></b> <i>Roof finishes of buildings shall be within the following range: Slate shingle, cedar shingle, steel roofing (long run corrugated or tray) in the following colours, or similar dark shades: Coloursteel colours New Denim Blue, Grey Friars, Ironsand or Lignite;</i> <b><u>22.5.42.2</u></b> <i>Wall claddings of buildings shall be within the following range: cedar shingles, natural timber (clear stain), painted plaster in the following colours or equivalent: Resene 5YO18, 5B025, 5B030, 4GR18, 1B55, 5G013, 3YO65, 3YO20; stone cladding provided the stone shall be limited to Otago schist only and all pointing/mortar shall be recessed.</i>	<u>D</u>
<b><u>22.5.43</u></b>	<b><u>Landscaping</u></b> <b><u>22.5.37.1</u></b> <i>Any application for building consent shall be accompanied by a landscape plan that shows the species, number, and location of all plantings to be established, and shall include</i>	<u>D</u>

	<i>details of the proposed timeframes for all such plantings and a maintenance programme.</i>	
<b>22.5.37.2</b>	<i>The landscape plan shall ensure that residential development on sites adjoining the Concept Development Plan area are subject to screen planting within the Concept Development Plan area.</i>	
<b>22.5.37.3</b>	<i>The erection of solid or paling fences is not permitted.</i>	

### 3.7 Alternative Relief: extend the Waterfall Park Special Zone (Chapter 42)

#### 3.7.1 Revision of the Waterfall Park zone area, Structure Plan and inclusion of Concept Development Plan for the Ayrburn area

- (a) AFE seeks expansion of the Waterfall Park Structure Plan to cover the Ayrburn property and to include the Ayrburn property in the “R” (residential) category of that Structure Plan, and to include a Concept Development Plan (the same or similar to that shown [Figure 4](#), attached) for this purpose.
- (b) AFE seeks that Rule 42.5.2 (residential capacity standard) is modified to enable additional residential units as a result of the expansion of the Structure Plan. The modification is:

**42.5.2 Residential Capacity**

*In the Waterfall Park Zone the maximum number of residential units shall be limited to ~~400~~ **225, with 125 units allowed in the southern “R” area on the Structure Plan.***

- (c) AFE seeks inclusion in the Waterfall Park Special Zone of the standards set out in Part 3.6.1(c) of this submission (appropriately adapted to the Waterfall Park zone provisions).
- (d) Provisions requiring retention and adaptive reuse of the historic buildings on the site should be included.

#### 3.7.2 The reasons for this relief are:

- (a) The land is not readily visible when viewed from outside the site, is flat, has available access, and is adjacent to a zone (the Waterfall Park) in which 100 units could be constructed. Urban residential development in the vicinity of the land is therefore anticipated, and the extension of this development into the subject site is appropriate.
- (b) The pressure to accommodate urban residential growth in the District means that suitable land areas that can absorb development without adverse effects on the landscape values of the District should be considered.
- (c) Such areas are a finite resource and their use for a greater capacity of development is efficient.

### 3.8 Alternative Relief: Rezone the land to an Ayrburn residential zone

#### 3.8.1 AFE seeks that the land be rezoned to an Ayrburn residential zone, with appropriate controls as follows:

- (a) A Concept Development Plan, being the same or similar to that shown in [Figure 4](#), attached;



- (b) Limitations to 125 residential units, to avoid adverse effects on traffic and reticulated services;
- (c) Limitations on the location of development and inclusion of buffer areas for screen planting, taking into account the visibility from surrounding roads and the visibility from and amenities of surrounding residential properties;
- (d) Avoidance of development on the highly visible slopes;
- (e) Height restrictions to avoid undue effects of visibility when viewed from outside the property.
- (f) Provisions requiring retention and adaptive reuse of the historic buildings on the site should be included.

### 3.8.2 The reasons for this relief are:

- (a) The land is not readily visible when viewed from outside the site, is flat, has available access, and is adjacent to a zone (the Waterfall Park) in which 100 units could be constructed. Urban residential development in the vicinity of the land is therefore anticipated, and the extension of this development into the subject site is appropriate.
- (b) The pressure to accommodate urban residential growth in the District means that suitable land areas that can absorb development without adverse effects on the landscape values of the District should be considered.
- (c) Such areas are a finite resource and their use for a greater capacity of development is efficient.

## 3.9 Part 2 and section 32 of the Act

### 3.9.1 Section 5

Subject to the modifications sought in this submission, the PDP achieves the sustainable management purpose of the Act by enabling people and communities of the District (and in particular the communities of settlements within the Wakatipu Basin) to provide for their collective well-being and safety in a manner that: sustains the potential of the natural and physical resources of the Wakatipu Basin, for future generations; will continue to safeguard the life-supporting capacity of air, water, soil, and ecosystems; and will avoid or mitigate potential adverse landscape effects.

The purpose of the Act is therefore achieved by the PDP and the proposed modifications sought in this submission.

### 3.9.2 Section 7

The modifications sought in this submission are directly relevant to achieving the following matters to which particular regard must be given:

- (b) *the efficient use and development of natural and physical resources;*
- (ba) *the efficiency of the end use of energy;*
- (c) *the maintenance and enhancement of amenity values;*

- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources;*

Rural residential or special zoning over the subject land is an efficient use and development of the natural and physical resources given the desire for housing in the Wakatipu Basin in close proximity to services and amenities.

### 3.9.3 Summary – Part 2 of the Act

The PDP, with the modifications sought in this submission, achieve the purpose and principles of the Act, for the reasons set out above.

### 3.9.4 Section 32

Further grounds for the submission points outlined in the above table are that:

- (a) The section 32 evaluation does not establish that the objectives of the rural zone are the most appropriate to achieve the purpose of the Act
- (b) The benefits and costs of the effects of the provisions referred to above in respect of the Rural Zone have not been appropriately assessed or quantified in accordance with section 32 of the RMA, nor have they been assessed with regards to their suitability for giving effect to the relevant objectives.
- (c) Alternative zone provisions for the land subject to this submission have not been adequately assessed.
- (d) Alternative zones, including the Rural Residential Zone, or the Waterfall Park Zone, or a special residential Zone, have objectives that are more appropriate for achieving the purpose of the Act than the rural zone.
- (e) The policies and the rules of the alternative zones, as sought to be modified by this submission, are the most appropriate way to achieve the higher order objectives of the PDP in particular in relation to accommodating growth and avoiding, remedying or mitigating effects of development on landscape values.
- (f) The methods (policies and rules) of the alternative zones are the most effective and efficient for achieving the relevant objectives.

## 4. AFE seeks the following decision from the Queenstown Lakes District Council:

- 4.1 AFE seeks the relief set out in Parts 3.1 – 3.8 of this submission.
- 4.2 AFE seeks in the alternative additional or consequential relief necessary or appropriate to address the matters raised in this submission and/or the relief requested in this submission, including any such other combination of plan provisions, objectives, policies, rules and standards provided that the intent of this submission, as set out in Parts 2 and 3 of this submission, is enabled.

AFE **DOES** wish to be heard in support of this submission.

If others make a similar submission, AFE will consider presenting a joint case with them at a hearing.

Signature of Submitter



J A Brown  
*Authorised to sign on behalf of Ayrburn Farm Estate Ltd.*

Date: 23 October 2015

Telephone: 03 409 2258 / 021 529 745

**Notes to person making submission:**

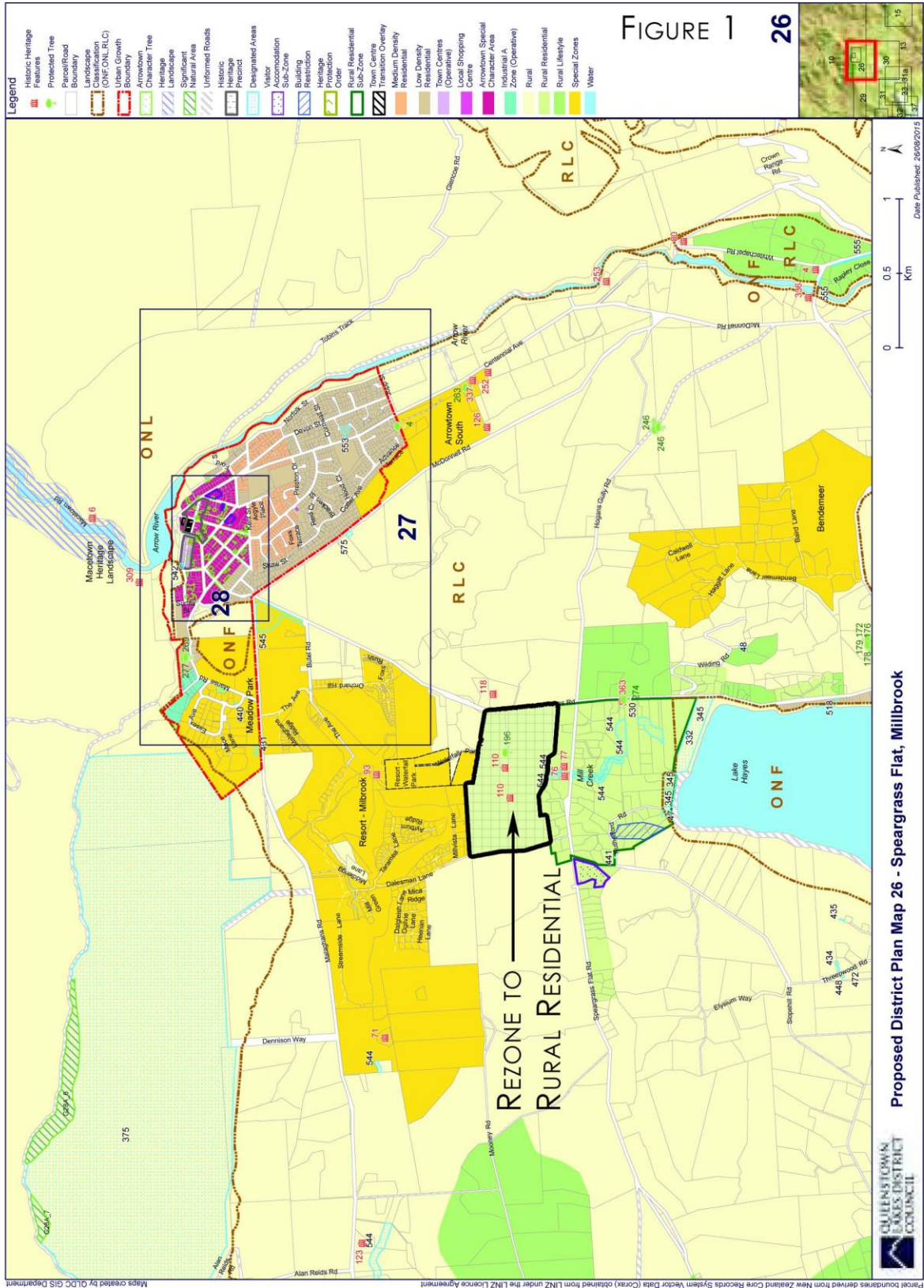
If you make your submission by electronic means, the email address from which you send the submission will be treated as an address for service.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of Schedule 1 of the Resource Management Act 1991.

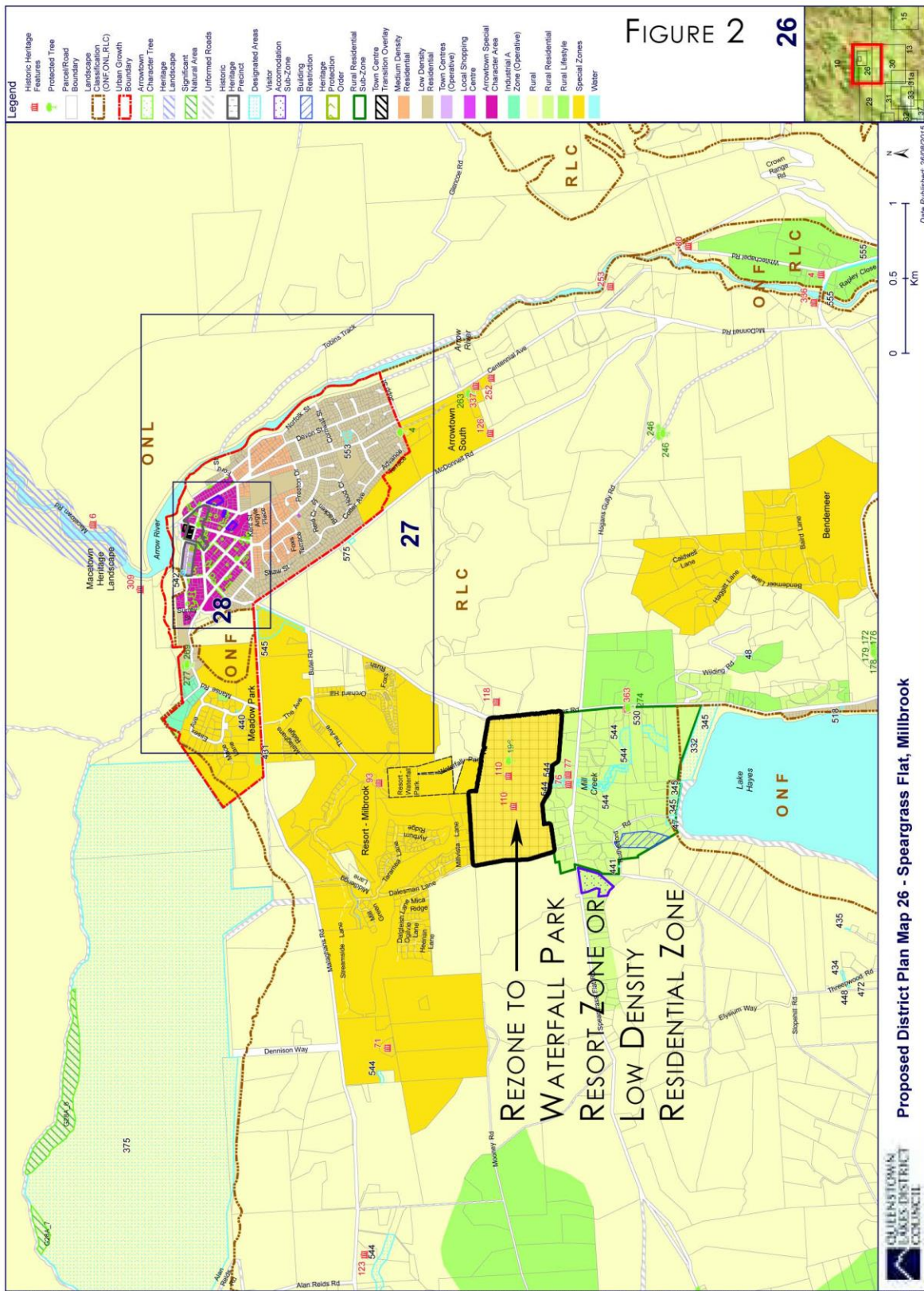
**The submitter could NOT gain an advantage in trade competition through this submission**

**Attachments:**

- Figure 1:** Planning Map 26 showing proposed extension of Rural Residential Zone north of Lake Hayes over the subject land
- Figure 2:** Planning Map 26 showing proposed alternative extension of Resort – Waterfall Park Special Zone over the subject land
- Figure 3:** Concept Development Plan – Rural Residential Zone
- Figure 4:** Concept Development Plan – expansion of Waterfall Park Special Zone or insert new Ayrburn residential zone



Parcel boundaries derived from New Zealand Core Records System Vector Data (Corax) obtained from LINZ Licences Agreement. Maps created by OLC GIS Department.



Parcel boundaries derived from New Zealand Core Records System Vector Data (Corax) obtained from LINZ Licences Agreement. Maps created by OLC GIS Department.

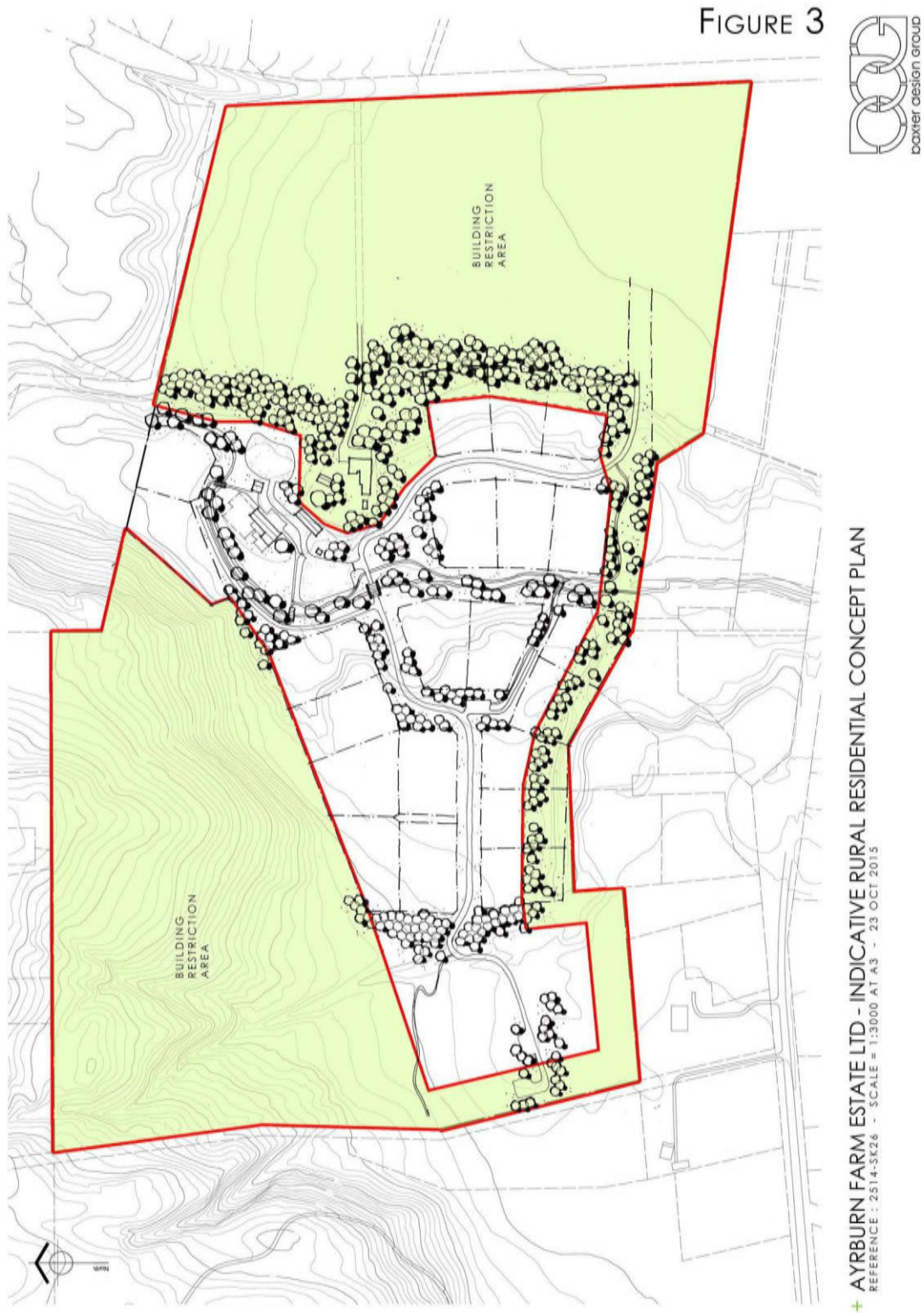
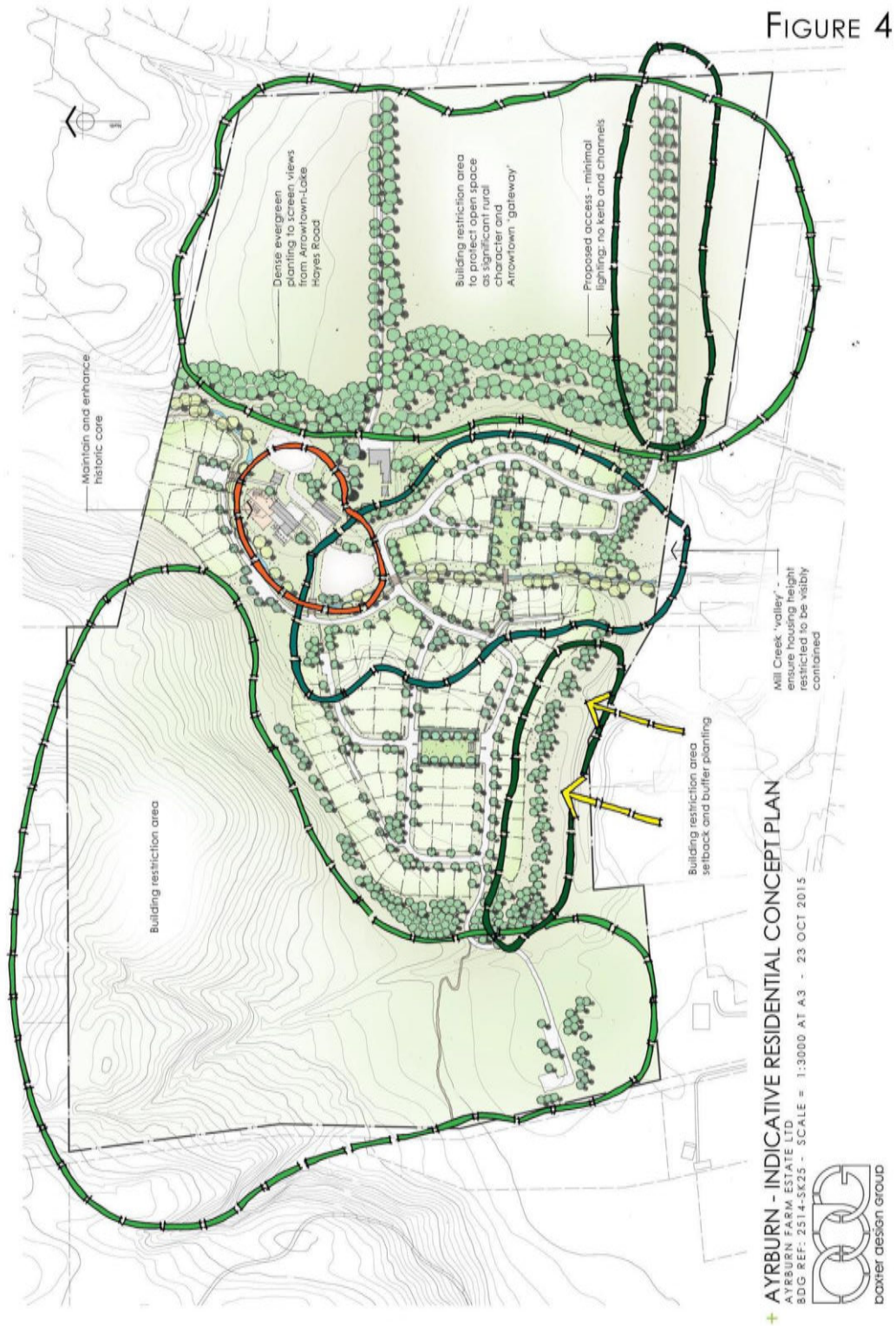


FIGURE 3



+ AYRURN FARM ESTATE LTD - INDICATIVE RURAL RESIDENTIAL CONCEPT PLAN  
REFERENCE : 2514-SK26 - SCALE = 1:3000 AT A3 - 23 OCT 2015



## 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](mailto:services@qldc.govt.nz)

Name of Submitter: **Ayrburn Farm Estate Limited**

Mobile: 021 220 8824

Email: [warwick.goldsmith@andersonlloyd.co.nz](mailto:warwick.goldsmith@andersonlloyd.co.nz) / [rosie.hodson@andersonlloyd.co.nz](mailto:rosie.hodson@andersonlloyd.co.nz)

Postal address: PO Box 201, Queenstown 9348

1. This is a further submission in support of/ in opposition to the submissions on the Proposed District Plan – Stage 1 which are detailed in the Table below.
2. I am a person who has an interest in the proposal that is greater than the interest the general public has, because I own land potentially directly affected by matters raised in the submissions detailed in the Table below.
3. The reasons for my support or opposition of the submissions, or of specific points raised in the submissions, are specified in the Table below.

Submission (number/name/ address)	Support/ Oppose	Provision(s)	Reasons	Relief Sought
<b>NZIA Southern and Architecture + Women Southern (Submitter #238)</b>  486 queenstown Queenstown, New Zealand, 9348 nortyqt@xtra.co.nz	Oppose	Policy 22.2.1.3	Ayrburn Farm Estate Limited 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. Mandatory assessment by the urban design panel is unnecessary given no urban design assessment through a resource consent process is proposed to apply within the Rural Lifestyle zone and is also unnecessary and inappropriate for a non-urban development.	Refuse the submission insofar as it seeks relief for policy 22.2.1.3



Submission (number/name/ address)	Support/ Oppose	Provision(s)	Reasons	Relief Sought
	Oppose	Rule 22.4.3.2	Ayrburn Farm Estate Limited opposes the relief requested to change the permitted status of exterior alteration of existing 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 landscape and visual amenity characteristics of the Rural Lifestyle zone.	Refuse the submission insofar as it seeks to amend rule 22.4.3.2

4. Further grounds for the submission points outlined above are that, to the extent that the submission points being opposed above are supported by a section 32 evaluation, that evaluation does not adequately support the submission points detailed in the proposal and does not adequately assess alternative provisions, such as those supported by this further submission.
5. I wish to be heard in support of my submission.
6. I will consider presenting a joint case with others presenting similar submissions.

**Ayrburn Farm Estate Limited**

By its duly authorised agents  
ANDERSON LLOYD  
Per: WP Goldsmith



**Address for service of Submitter:**

Anderson Lloyd  
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QUEENSTOWN 9348  
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Fax 03 450 0799  
Email: warwick.goldsmith@andersonlloyd.co.nz

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Submission (number/name/ address)	Support/ Oppose	Provision(s)	Reasons	Relief Sought
J Hadley  PO Box 1356, Queenstown, New Zealand, 9700 james@hadleys.co.nz	Oppose	Planning Map 26  Planning Map 29  Chapter 21 Rural Zone	The relief sought by the submitter to retain the Rural Zone provisions as notified, and applied to land north of Speargrass Flat Road is not supported.  A number of these provisions as notified do not give effect to the higher order provisions of the Proposed Plan, and do not provide for the most efficient and effective use of resources in accordance with the sustainable management purpose of the RMA.  The land identified in the submission is not rural productive land, and does not give effect to the provisions of the Rural Zone.	That the submission be refused in its entirety

Submission (number/name/ address)	Support/ Oppose	Provision(s)	Reasons	Relief Sought
			Many of the provisions of the Rural Zone are not adequately justified in section 32 of the RMA and do not provide for consistent terminology with Part 2 of the RMA. These provisions should therefore be amended before they are made operative.	

4. Further grounds for the submission points outlined above are that, to the extent that the submission points being opposed above are supported by a section 32 evaluation, that evaluation does not adequately support the submission points detailed in the proposal and does not adequately assess alternative provisions, such as those supported by this further submission.
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**Ayrburn Farm Estate Limited**

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Submission (number/name/ address)	Support / Oppose	Provision(s)	Reasons	Relief Sought
#365 Simon Beale  61 Mathias Terrace, RD 1, Queenstown, 9371 <a href="mailto:bealey@xtra.co.nz">bealey@xtra.co.nz</a>	Oppose	Part 5, Section 32.8 Schedule of Protected Trees  Planning Map 26	The relief sought in the submission to include the avenue of Spruce Trees leading to the Ayrbun Homestead within the schedule of protected trees is not supported.  The trees are potentially a significant hazard in that they are 100 years old; the protection of them in perpetuity will not allow for necessary hazard prevention should the trees degenerate further.  In producing the Schedule of protected trees under the Proposed Plan, Council has undertaken a thorough process of identification. The section 32 Report justifying the proposed	That the submission be refused in its entirety

Submission (number/name/ address)	Support / Oppose	Provision(s)	Reasons	Relief Sought
			Schedule states that council's arborist's carried out surveys of trees which were worthy of scheduling and conducted significant public consultation to do so. This careful analysis therefore justifies the schedule as notified and does not support the further inclusion of the Spruce Trees as noted in submission 365.	

4. Further grounds for the submission points outlined above are that, to the extent that the submission points being opposed above are supported by a section 32 evaluation, that evaluation does not adequately support the submission points detailed in the proposal and does not adequately assess alternative provisions, such as those supported by this further submission.
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