

RESOURCE MANAGEMENT ACT 1991
SUBMISSION ON QUEENSTOWN LAKES DISTRICT PLAN REVIEW

TO: Mr Mathew Paetz
Planning Policy Manager
Queenstown Lakes District Council
Private Bag 50077
QUEENSTOWN

SUBMITTER: Mr Antony Strain, Sarah Strain and Samuel Strain

1.0 Introduction to the submitter

The submitters own land located on Slopehill Road, legally described as Section 2 SO 451735 and Section 90 Block V Shotover Survey District.

The location of the submitters property is highlighted on the Proposed Planning Map contained in Attachment [A] along with a copy of the Operative Planning Map.

2.0 OVERALL ISSUES THAT HAVE DETERMINED THE APPROACH IN PREPARING THIS SUBMISSION IN RESPECT TO THE PROPOSED DISTRICT PLAN

2.1 The submitter endorses the Proposed District Plan to the extent that it:

The submitter endorses the Proposed District Plan (PDP) to the extent that it accurately reflects the specific provisions that relate to the Rural Lifestyle Zone Part 22.4.3 – 22.5.12 of the PDP contained in Attachment [B] of this submission.

2.2 The submitter opposes the Proposed District Plan for the following reasons;

It does not accord with, or assist the territorial authority to carry out its functions to achieve, the purpose of the Resource Management Act 1991 (the Act);

- i. It does not promote the sustainable management of resources;
- ii. It does not meet section 32 of the Act;
- iii. It is not consistent with Part II of Act;
- iv. It does not represent integrated management or sound resource management practice;
- v. It does not meet the reasonably foreseeable needs of future generations;
- vi. It does not implement the most appropriate standards, rules or methods for achieving the objectives set out in the Proposed District Plan.

3.0 SPECIFIC SUBMISSIONS

Without derogating from the generality of the above, the specific parts of the Proposed District Plan that this submission relates to are:

3.1 The submitters concerns relate to the following rule in the PODP:

Rule: 27.5.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less than the minimum specified – Rural Lifestyle – One hectare, providing the average lot size is not less than 2 hectares.

3.2 For completeness we believe the following Rules should be removed from Part 22 of the PODP, however these rules are not the main concern of the submitters, but the removal of them will ensure that there are no anomalies in the PODP:

Rule: 22.5.12.2 On sites less than 2 hectares there shall be only one residential unit.

Rule: 22.5.12.3 On sites equal to or greater than 2 hectares there shall be no more than one residential unit per two hectares on average. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.

There are a number of examples in the current and proposed Rural Lifestyle Zone where the average allotment size has been ignored. One example of this is the Hawthorn subdivision which currently has an average allotment size of approximately one hectare.

The origin of the 2 hectare requirement dates back to the issue of the decisions on the District Plan in 1998. One of these decisions related to the 'Dalefield Zone' which enabled existing allotments of 10 acres (4 hectares), to be subdivided into two allotments as a controlled activity. This resulted in the 2 ha average.

3.3 The submitters land directly adjoins the existing Threepwood development, which logically should be re-zoned as part of this review to Rural Lifestyle to better reflect the existing level of consented development.

Relief Sought

The 2ha average rule to be removed, with the requirements for new lots in the Rural Lifestyle zone being limited to a 1 hectare minimum allotment size:

27.5.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less than the minimum specified – Rural Lifestyle – One hectare, providing the average lot size is not less than 2 hectares.

2.5.12.2 On sites less than 2 hectares there shall be only one residential unit.

22.5.12.3 On sites equal to or greater than 2 hectares there shall be no more than one residential unit per two hectares on average. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.

Planning Maps 30 and 26 be amended to show the submitters land as being zoned Rural Lifestyle.

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

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

Signature: _____

Date: _____

Address for service of person making submission:

Clark Fortune McDonald & Associates

PO Box 553

QUEENSTOWN 9348

Attn: Emma Dixon

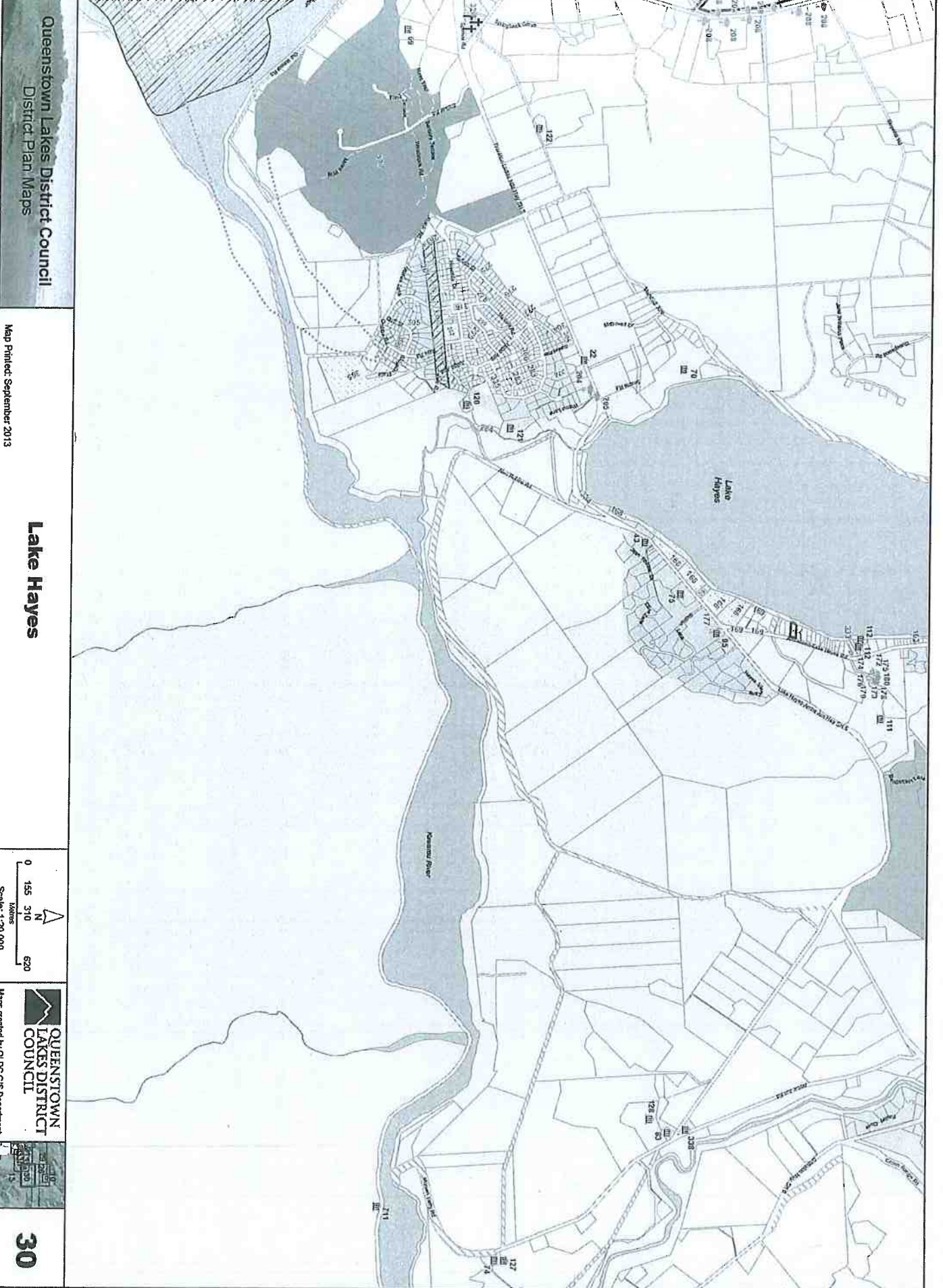
Telephone: 4416081

E-mail: edixon@cfma.co.nz

ATTACHMENT [A]

Location of Subject Property

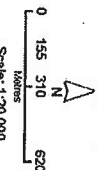
Parcel boundaries derived from New Zealand Core Records System Vector Data (Corax) obtained from LINZ under the LINZ Licence Agreement



Queenstown Lakes District Council
District Plan Maps

Map Printed: September 2013

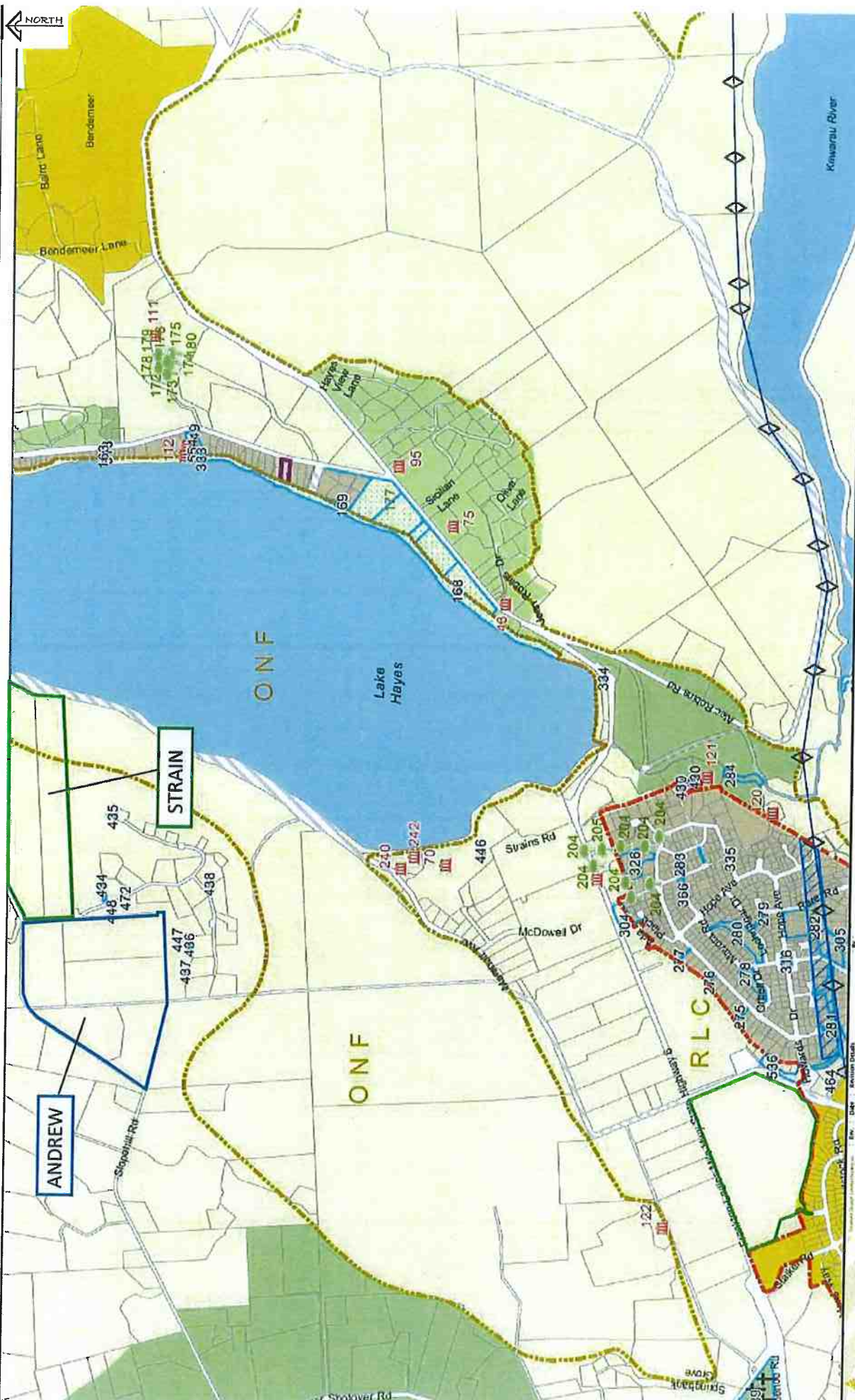
Lake Hayes



QUEENSTOWN
LAKES DISTRICT
COUNCIL

Maps created by QUDC GIS Department





Client	Project Name	Scale	Date	Drawn	Checked	Drawn Date	Checked Date
STRAIN & ANDREW	12224	01	13.10.15				

ID	Date	By	For
12224	13.10.15	MSL	Initial Design

Clark Fortnum McDonald & Associates
 101 Lower Stokover Road, P.O. Box 553, Queenstown
 T4 (03) 441 1004, Fax (03) 442 1066, Email admin@cfma.co.nz
 Shop 2, Group House, 475 Marae Place, P.O. Box 990
 Tel. (03) 470 1582, Fax (03) 470 1583, Email admin@cfma.co.nz

PROPOSED PLANNING MAPS WITH SUBMITTERS LAND SHOWN

Private Bag 50072, Queenstown 9348, New Zealand
QUEENSTOWN, 10 Gorge Road, Phone +64 3 441 0499, Fax +64 3 450 2223
WANAKA, 47 Ardmore Street, Phone +64 3 443 0024, Fax +64 3 450 2223

 QUEENSTOWN
LAKES DISTRICT
COUNCIL

www.qldc.govt.nz

1 March 2018

EMAILED

Mr Antony Strain, Sarah Strain and Samuel Strain

Nick Geddes
Clark Fortune McDonald & Associates

Submitter Number: 2255

Dear Submitter

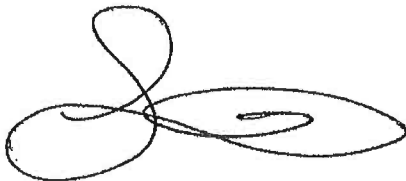
Submission on the Proposed District Plan – Stage 2

Thank you for your submission to the District Plan Review – Stage 2. Submissions close on 23 February 2018.

Once Submissions have closed, Council will prepare a Summary of the Decisions Requested through submissions. This will then be notified for Further Submissions and you will be advised of this in advance.

For further information regarding Stage 2 of the Proposed District Plan, please contact the Duty Policy Planner on 03 441 0499 or 03 443 0024.

Yours sincerely



Julia Chalmers
District Plan Administrator

RESOURCE MANAGEMENT ACT 1991: FORM 5

SUBMISSIONS ON THE PROPOSED QUEENSTOWN LAKES DISTRICT COUNCIL PLAN

Clause 6 of the First Schedule, Resource Management Act 1991 – amended 30th August 2010.

TO: Mr Ian Bayliss
Planning Policy Manager
Queenstown Lakes District Council
Private Bag 50077
QUEENSTOWN

SUBMITTER:

Mr Antony Strain, Sarah Strain and Samuel Strain

We cannot gain an advantage in trade competition through this submission. We are, or could be, directly affected by the subject matter of the submission that:

- (a) adversely affect the environment; and
- (b) do not relate to trade competition or the effects of trade competition.

1.0 Introduction to the submitter

The submitters own land located on Slopehill Road, legally described as Section 2 SO 451735 and Section 90 Block V Shotover Survey District.

The location of the submitters property is highlighted on Planning Maps contained in Attachment [A] of this submission.

The submitter made a submission on Stage 1 of the District Plan Review referenced: 231

2.0 OVERALL ISSUES THAT HAVE DETERMINED THE APPROACH IN PREPARING THIS SUBMISSION IN RESPECT TO THE PROPOSED DISTRICT PLAN

2.2 Notwithstanding the above, the submitter opposes the Proposed District Plan for the following reasons;

It does not accord with, or assist the territorial authority to carry out its functions to achieve, the purpose of the Resource Management Act 1991 (the Act);

- i. It does not promote the sustainable management of resources;
- ii. It does not meet section 32 of the Act;
- iii. It does not consistent with Part II of Act;
- iv. It does not represent integrated management or sound resource management practice;
- v. It does not meet the reasonably foreseeable needs of future generations;

- vi. It does not implement the most appropriate standards, rules or methods for achieving the objectives set out in the Proposed District Plan.

3.0 SPECIFIC SUBMISSIONS

Without derogating from the generality of the above, the specific parts of the Proposed District Plan that this submission relates to are:

3.1 Submission 5: Wakatipu Basin Rural Amenity Zone

We OPPOSE the minimum allotment size of the Wakatipu Basin Rural Amenity Zone.

The Operative District Plan specifies no minimum allotment size for subdivision yet any subdivision in the Rural General Zone is considered under a discretionary consent regime and a rigorous assessment framework. The Proposed District Plan seeks to administer the same land with a minimum allotment size of 80ha where there are very few land holdings which could achieve this minimum allotment size. The submitter considers this does not make an efficient use of the land and does not represent sustainable management of resources or meet the reasonably foreseeable needs of future generations.

The submitter is concerned to note that the Section 32 Analysis accompanying this Chapter of the Plan Review does not include a robust assessment of the minimum lot size specified for the Wakatipu Basin Rural Amenity Zone.

All new minimum allotment sizes introduced by QLDC recommended zones in Stage 1 have been supported by detailed section 32 assessment which offers clear environmental outcomes sought by the minimum allotment sizes. Chapter 24 provides a detailed account which distinguishes the Wakatipu Basin into 28 separate landscape units where nearly every unit contains an area which imposes a minimum allotment size of 80,000m² adjoining an area which seeks a minimum allotment size of 6000m².

As a consequence, the submitter recommends that a Section 32 Analysis which better supports the minimum allotment size for the Wakatipu Basin Rural Amenity Zone is authored and introduced prior to the hearing of submissions.

Otherwise, Chapter 24 should be withdrawn and re-notified for consideration once a complete document has been prepared. The submitter considers the omission of a complete Section 32 Analysis is a fundamental flaw in the plan review documentation, and that the Council cannot continue to process the Plan Review in the absence of this information.

3.2 Submission 6: Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct

We OPPOSE the Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct.

The submitter believes Chapter 24 is inconsistent with the following Chapter 3 Objectives and Policies:

3.2.4.4

Objective *Avoid the spread of wilding exotic vegetation to protect nature conservation values, landscape values and the productive potential of land.*

3.2.4.8.1

Policy *Concentrate development within existing urban areas, promoting higher density development that is more energy efficient and supports public transport, to limit increases in greenhouse gas emissions in the District.*

The submitter believes Chapter 24 does not provide supporting Objectives and Policies towards the following:

3.2.6

Goal Enable a safe and healthy community that is strong, diverse and inclusive for all people.

Objective

3.2.6.1 Access to housing that is more affordable.

Policy

3.2.6.1.1 Enable opportunities for low and moderate income Households to live in the District in a range of accommodation appropriate for their needs.

In general, the submitter believes that Chapter 3 and its recommended provisions seek to achieve a balance within the framework of provisions which is espoused in the section 32 report for Chapter 3. This balance has not been maintained in the framework of provisions in Chapter 24. Rather Chapter 24 seeks to protect amenity values without enabling a sufficient level of development necessary to provide for the Districts well being. It is clear that there are competing economic and environmental concerns and it is considered it is appropriate to arrive at a balance in achieving the purpose of the RMA.

3.3 Submission 7: Wakatipu Basin Lifestyle Precinct

Rule 24.5.4 requires any building (including farm buildings) to be setback a minimum of 75m from road boundaries. This rule is not supported by the Chapter 24 Section 32 Evaluation Report and it is not understood what environmental outcome is sought by a minimum setback of 75m from any road boundary.

The Operative District Plan prescribes a setback of 20m, except that the minimum setback from State Highway 6 for buildings between Lake Hayes and Frankton shall be 50m. Paragraph 3, Page 36 of the Rural Monitoring Report (April 2009) comments:

"It is considered that views from public roads and places are generally being maintained. The provisions relating to planting and structures within close proximity to roads seem to be working and, whilst the building setbacks have become somewhat superfluous as a result of the discretionary regime, approved buildings are being well set back from roads. To give an idea of the degree to which dwellings are being setback, of those case studies looked at as part of the monitoring, the closest dwelling to the road was in the VAL and was setback some 75 m from the road."

In the submitters opinion, the restricted discretionary planning regime for new buildings as set out in Part 24.7.3 of Chapter 24 is sufficiently robust to ensure the continued maintenance of views from public roads and places.

3.4 Submission 8: Wakatipu Basin Lifestyle Precinct

Rule 24.5.12 prohibits stock from standing in the bed or margin of a water body. Meaning any fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof. There are a number of wetlands, streams and ponds (natural and manmade) throughout the Wakatipu Basin and a number of these are located within ONF and ONL landscapes.

To fence these is considered physically and fiscally impractical and will result in undesirable landscape outcomes in terms of the visual amenity associated with the fence lines when viewed at short distance and from a long distance view point the rank grass and vegetation growing within the water body alongside the grazed pastoral grass may diminish the appearance and integrity of the landscape.

3.5 Submission 9: Schedule 24.8, Chapter 24

The submitter considers the matters / elements set out in Schedule 24.8 are 'observations' not criteria which a resource consent can be reasonably assessed against. They do not confirm or even allude to what the desired outcome each is (or collectively is) seeking. This is considered to prevent any meaningful evaluation of future resource consent applications.

There is no obvious direction written into the matters set out in Schedule 24.8 which will direct the design of a building or a landscape plan to establish the environmental outcome which is consistent with that intended by the Objectives and policies for Chapter 24.

3.6 Submission 10: Wakatipu Basin Lifestyle Precinct

The submitter notes that the Section 32 Analysis accompanying this Chapter of the Plan Review sets out (Page 6) that:

"S31 is further supported by the National Policy Statement on Urban Development Capacity (NPS-UDC), which came into effect on 1 December 2016. The NPS-UDC directs councils on how to

provide sufficient development capacity for current and future housing and business demand under the RMA.”

The submitter believes the above should be read in conjunction with paragraph 22 of Council's Memorandum dated 3rd March 2017:

“Council wishes to reiterate that it will not be providing evidence on a full housing and business development capacity assessment as required in the PB policies. The Council will work towards the NPS date of 31 December 2018 for this work. The NPS was received in its final form part way through the DCM update, and includes a number of matters that, while they will form part of the Council's consideration of submissions, will require on-going work streams that may not be completed in time for the rezoning evidence.”

The submitter is concerned that Council has not released a Housing and Business Development Capacity Assessment as required by the NPS-UDC as this information would be beneficial in considering any future housing under Chapter 24.

Relief Sought

Submission 5: Wakatipu Basin Rural Amenity Zone

The Council adopts a more logical minimum allotment size for the Wakatipu Basin Rural Amenity Zone which makes an efficient use of the land and meets the needs of future generations. A section 32 Analysis which better supports the minimum allotment size for the Wakatipu Basin Rural Amenity Zone is authored and introduced prior to the hearing of submissions.

Submission 6: Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct

Additional policies are introduced into Chapter 24 to enable a sufficient level of development necessary to provide for the Districts well being and achieve the purpose of the RMA.

Submission 7: Wakatipu Basin Lifestyle Precinct

Rule 24.5.4

Setback from roads

The minimum setback of any building from road boundaries shall be 20m in the Zone and ~~75m~~ in the Precinct.

Submission 8: Wakatipu Basin Lifestyle Precinct

Rule 24.5.12 be deleted.

Submission 9: Schedule 24.8, Chapter 24

Schedule 24.8 is revised to provide actual assessment matters.

Submission 10: Wakatipu Basin Lifestyle Precinct

The Housing and Business Development Capacity Assessment is completed and released for comment prior to the hearings for Chapter 24.

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

If others make a similar submission, the submitter would be prepared to consider presenting a joint case with them at any hearing,

Signature: pp. Nick Geddes

Date: 23-02-18.

Address for service of person making submission:

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QUEENSTOWN 9348

Attn: Nick Geddes

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ATTACHMENT [A]: Location of Subject Property: Planning Maps

