

Form 5

Submission on a Publicly Notified Proposal for Policy Statement or Plan

Clause 6 of First Schedule, Resource Management Act 1991

To: **Queenstown Lakes District Council** (“the Council”)

Name of Submitter: **Jonathan Gabler for and on behalf of**

TJ Investments Pte Limited

Introduction:

1. This is a submission on the proposed **Queenstown Lakes District Plan Stage 2** (“PDP”) notified on 23 November 2017.
2. The submitter could not gain an advantage in trade competition through this submission.
3. The submitter has an interest in the PDP as a whole, and as such the submission relates to the PDP in its entirety including the following chapters:
 - a. Chapter 24 - Wakatipu Basin;
 - b. Chapter 25 - Earthworks;
 - c. Chapter 29 - Transport;
 - d. Chapter 31 - Signs;
 - e. Chapter 38 – Open Space and Recreation;
 - f. Variation – Visitor Accommodation;
 - g. Stage 2 Planning Maps.
4. The submitter has particular interest in provisions relating to the Wakatipu Basin, including the proposed Wakatipu Basin Rural Amenity Zone (“WB Rural Amenity Zone”) and the Wakatipu Basin Lifestyle Precinct (“WB Lifestyle Precinct”).
5. The submitter owns a number of properties along Malaghans Road with Legal Descriptions as follows:
 - Lot 1 DP 24501
 - Lot 3 DP 24501
 - Lot 4 DP 24501
 - Lot 5 DP 24501
 - Section 2 SO 468375

6. The PDP introduces the WB Rural Amenity Zone which applies to a large amount of land in the Wakatipu Basin including the submitter's landholdings. The submitter is very uniquely placed in regard to Stage 2 of the PDP whereby they are one, if not the only, landowners who have undeveloped land parcels in excess of 80 hectares in area.
7. The majority of the land is identified within "Malaghans Valley" Landscape Character Unit in Chapter 24 which is stated as having a "very low" capability to absorb additional development. A minimum 80 hectare allotment size for subdivision in this Zone is proposed.
8. The submitter has land on Malaghans Road which is located in the proposed WB Rural Amenity Zone which enables development to a minimum of 80 hectares.
9. The property and surrounds are currently zoned Rural General under the Operative District Plan (reference: Planning Map 29) and Rural under Stage 1 of the PDP.

General Reason for Submission:

10. The submitter **opposes** the establishment and location of the WB Rural Amenity Zone (reference: Planning Map 13D) and its associated rules, objectives and policies.
 - a. The existing discretionary activity consenting regime for subdivision and development in this locality of the basin has generally been an effective method to avoid over intensification of the landscape and allows development to be assessed on a case-by-case basis.
 - b. The 80 hectare minimum allotment size is poorly (barely) evaluated in the s32 report and there is no merit in departing from the "no minimum allotment" discretionary regime.
 - c. The purpose of the new Zone is "*to protect, maintain and enhance the particular character and amenity of the rural landscape which distinguishes the Wakatipu Basin from other parts of the District that are zoned Rural*". The submitter considers that this can be achieved without imposing such a significant burden by way of the proposed objectives, policies and rules.
 - d. The provisions negate the ability to cluster developments by introducing such a large minimum allotment size, despite this being a 'provide sustainable development' method, particularly when considering grouping of infrastructure.
 - e. The proposal to introduce a minimum 80ha allotment size is considered particularly onerous, given that the fully discretionary regime remains in the Rural Zone, of which significant tracts are part of Outstanding

Natural Landscapes. It is unreasonable to introduce a more restrictive regime in areas that are not Outstanding Natural Landscapes.

- f. The submitter's land includes areas utilised for working pastoral farming. The submitter seeks amendments to the reverse sensitivity Objective and Policies which will ensure that reverse sensitivity effects of establishing activities in close proximity to farming units and existing rural residential properties are considered to ensure that the effects of increased development do not adversely affect existing farming operations and activity and/or rural residential privacy.
 - a. The submitter opposes the limit of 50m² for farm buildings contained in Rule 24.5.8. It is unlikely that any farm buildings would comply with this limit, as farm buildings such as implement sheds are typically a minimum of 3-4 bays at approximately 80-100m². The submitter considers that the zone framework in the Wakatipu Basin should be supportive and enabling of farming activities, and this limit is unnecessarily restrictive as rural implement sheds are anticipated in the rural environment. A more appropriate limit would be 100m² which would allow typical implement sheds to be constructed as of right.
11. The submitter **opposes** the establishment of the WB Lifestyle Precinct and its associated rules, objectives and policies insofar as it seeks to introduce a higher density 6,000m² minimum allotment size (with a 1.0ha average).
- a. There is no justification for increasing the development to this level in the rural areas of the basin. It would appear little consideration has been given to the ensuing effects, such as increased traffic, visual over domestication, and infrastructure impacts. The overall effect on rural character and amenity will be significant and diminish those attributes of the environment that people appreciate about the Wakatipu Basin.
 - b. The submitter is particularly concerned about the apparent lack of consideration given to infrastructure which will be needed to support intensification of development in this location, and subsequent effects on water quality and quantity should these allotments be required to provide on-site water supply and wastewater disposal.
 - c. Part 24.1 of the Proposed District Plan states that "*building location, access, services, earthworks, landscaping, infrastructure and natural hazards are **managed through the identification of suitable building platforms at the time of subdivision***". Building platforms do not control or manage infrastructure. In regard to the impacts from infrastructure arising from intensification of the WB Lifestyle Precinct, this has not been considered or evaluated in any meaningful way by the Council in the s32 report.
 - d. Policy 24.2.4.5 seeks to "ensure development infrastructure is self-sufficient and does not **exceed capacities** for infrastructure servicing".

It is impossible for the Council to monitor the effectiveness of this policy without having a benchmark included that identifies capacities.

- e. Part 24.7.4 contains a number of assessment matters relating to servicing, hazards, infrastructure and access. These assessment matters are weak and do not relate to the effects arising from infrastructure that is needed to accommodate the higher densities of development.
 - f. The National Policy Statement for Freshwater Management 2014 sets out objectives and policies for freshwater management under the RMA. There is an interrelationship between this NPS and regional plans. There is no consideration of this NPS in the section 32 report as to how the intensification of development within the rural areas and the associated impacts resulting from provision of site-specific infrastructure will impact on the freshwater benchmarks and ecology.
 - g. The submitter's land contains a number of shelterbelts, and the regular maintenance of these shelterbelts is crucial to the continued viability of these important farming structures. The submitter strongly opposes the introduction of Rule 24.4.29 which states that "significant trimming" is a restricted discretionary activity on vegetation that is over 4m in height in the WB Lifestyle Precinct. This rule is uncertain, because it is unclear what "significant trimming" constitutes, and unreasonable. It is unclear what is even being achieved by the introduction of this rule, as exotic vegetation does not contribute to the naturalness of a landscape, so there does not appear to be a need to retain it. This rule will only serve to frustrate farmers and lifestyle block owners who are carrying out necessary tree removal or trimming work.
12. The submitter **opposes** the change in activity status for building on existing/registered building platforms in Rule 24.4.5 to Restricted Discretionary, which was previously proposed to be controlled as part of the Stage 1 proposal. The submitter considers the change in activity status to be unreasonable, particularly for existing identified building platforms. The submitter believes that a substantial amount of scrutiny is applied to the creation of a building platform, and as such a further layer of control through resource consent is not required. The submitter considers that the activity status for buildings on an existing/registered building platform should be permitted, provided that the other activity standards for buildings are complied with.
13. The submitter **opposes** the Informal Recreation Zone being applied to the Coronet Forest area (reference: Planning Map 13D). This zoning is inappropriate primarily because the site is identified as being part of an Outstanding Natural Landscape. The policy framework in the PDP directs that subdivision and development in Outstanding Natural Landscapes is inappropriate in almost all locations, however the Informal Recreation Zone allows for development which could have significant visual effects on the

Outstanding Natural Landscape and from a significant range of public and private view points in the basin.

- a. The Chapter 6 Landscapes policy framework within Stage 1 of the PDP requires that subdivision, use and development is evaluated against assessment matters which are located within the Rural chapter of the PDP, which suggests that an assessment of landscapes is not applicable in the Informal Recreation Zone. The PDP seeks to “remedy” this by deleting the text in 6.4.1.2 which states that the “landscape categories only apply to the Rural Zone”. The Objectives and Policies in Chapter 6 remain unchanged by Stage 2 of the PDP, and specifically refer to the assessment matters in the Rural Chapter, such as Policy 6.3.1.3. The Chapter 6 policy framework as well as the proposed Chapter 38 provisions are insufficient to protect Coronet Forest from inappropriate subdivision, use and development if it is zoned Informal Recreation.
- b. The submitter is particularly opposed to the following provisions, which in the context of the Coronet Forest being within an Outstanding Natural Landscape and a highly visible landscape, enables inappropriate use and development:
 - i. 38.9.9 provides for education and research facilities directly related to the open space area.
 - ii. Rules 38.9.16 and 38.9.17 provides for restaurants and cafés associated with permitted activities as a controlled activity or restricted discretionary activity with no ability to involve surrounding landowners in decision making.
 - iii. Rule 38.9.27 provides for recreation trails as a permitted activity.
 - iv. Rules 38.9.28 and 38.9.29 provides for construction of vehicle access associated with permitted activities as either a controlled activity or restricted discretionary activity with no ability to involve surrounding landowners in decision making.
 - v. Standard 38.10.2.2 allows buildings as permitted activities up to 100m² in area.
- c. As the identified provisions enable activities either as permitted, controlled, or restricted discretionary, consideration of effects on the Outstanding Natural Landscape are severely limited at best.
- d. The Draft Coronet Forest Management Plan 2017 indicates that the Council intends to harvest the current pine forest and revegetate the site as soon as possible to prevent the spread of wildling conifers. This will further enhance the naturalness of the area, increasing the importance of the area to the wider Outstanding Natural Landscape. The management plan suggests that future uses of the site may

include “increased recreational use” such as walkways, mountain biking tracks and horse riding. The submitter is particularly concerned about the visual effects of earthworks for the construction of recreation trails, which are proposed to be permitted within the zone.

- e. In summary, the submitter considers that:
 - i. The Informal Recreation Zone will fail to protect the Coronet Forest area from inappropriate use and development;
 - ii. The proposed zone will impact on the Outstanding Natural Landscape and directly be at odds with section 6 of the Resource Management Act 1991 as a matter of national importance; and
 - iii. That the Informal Recreation Zone will not sufficiently protect surrounding residents from the adverse effects of activities establishing in these zones.

Relief sought:

- 14. The submitter requests a decision that reflects the relief detailed above and any other additional or consequential relief to the PDP, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission.
- 15. The suggested revisions do not limit the generality of the reasons for the submission.
- 16. The submitter wishes to be heard in support of its submission.
- 17. If others make similar submissions, the submitter will consider presenting a joint case at any hearing.

Sincerely,

Signed by or on behalf of the submitter



Jonathan Gabler

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