

Appendix B – a copy of the Appellant's submission and further submissions

**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
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Submitter: Mount Christina Limited
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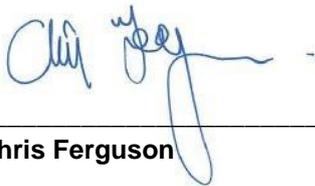
Attention: Chris Ferguson, Planner
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Mount Christina Limited (the "MCL") makes the submissions on Stage 2 of the Proposed Queenstown Lakes District Plan ("PDP") set out in the **attached** document.

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 February 2018

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. MCL has made submissions on Stage 1 of the PDP generally supporting a continuation of Rural Residential Zone on the land, but subject to changes to the shape and area of the zone to better match with the topography of the site and landscape values. The Rural Residential Zone over the MCL land is situated within a broader outstanding natural landscape identified on the Stage 1 PDP Planning Maps. MCLs submission did not seek to change the identification of the ONL on the relevant planning maps because of the policies and related rules within Chapter 6, clarifying that the landscape categories did not apply to the rural residential zones.
3. This submission to Stage 2 of the PDP is focussed on the relationship of the landscape assessment matters within the Rural Zone, addressed in changes to Chapter 6 Landscapes, as well as the proposed new rules relating to visitor accommodation.

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

Chapter 6 Landscape

4. The effect of the changes made to Chapter 6 are to broaden the application of the landscape provisions to apply across all zones within the PDP, inclusive of all rural and urban zones and to also apply the landscape assessment matters (Chapter 21) to the rural lifestyle and rural residential zones. MCL opposes these changes and considers the rules within Chapter 6 should be amended to clarify that the classification of the landscapes of the District and related objectives and policies for each landscape within Chapter 6 apply only to the Rural zone and not the Rural Residential Zone.
5. Under Chapter 6 (as notified), the landscapes of the district have been categorised into three classifications within the rural zone¹, being the outstanding natural landscapes, outstanding natural features and the rural landscape classification. This is reflected within Policy 6.3.1.2 which establishes the policy basis for the landscape classification within the rural zone. The variation to Chapter 6 introduced at the rear of the new Chapter 38 Open Space and recreation does not alter this policy.
6. The provisions of Chapter 22 include a specific objective and policies relating to landscape values and thereby establish the basis for the management of those values independent of the three-way landscape classification established by Policy 6.3.1.2. The proposed change to the wording of Rule 6.4.1.3 to include assessment matters and for those to apply to the rural

¹ 6.2, Page 6 – 2, Chapter 6, PDP - Values

lifestyle and rural residential zones cannot be sustained because Chapter 6 does not contain any assessment matters and nor does Chapter 22 (relevant to landscape matters). The effect of this change would therefore be to require subdivision and development to be assessed against the assessment matters for the three landscapes under Chapter 21. MCL submit that neither the landscape categories or assessment matters contained within Chapter 21 are designed to relate to the rural residential zone.

7. In the event the Panel are satisfied that either the Precinct or operative rural lifestyle zone across the MCL land is appropriate for this landscape, MCL submits that the outcomes from subdivision or development undertaken in accordance with either rules would create considerable tensions with the objectives and policies for Rural Landscapes. In particular, Policy 6.3.1.4 provides that subdivision or development location within the Rural Landscape is inappropriate in many locations in these landscapes. MCL submits that the regime of objectives and policies applying to the three landscape classifications fundamentally conflict with the express purpose of the rural residential and rural lifestyle zones to provide residential living opportunities and, particularly so in the case of the rural residential zone development, at a density of 4,000m² is enabled and provided for.
8. From a procedural perspective, MCL did not submit on the landscape classification of the land around its site during Stage 1 of the PDP. The reason for not submitting was based on an understanding the objectives and policies relating to Outstanding Natural Landscapes **did not apply** to the rural residential zones. Because the proposed changes to the Rules in Chapter 6 impact on the application of the landscape categories, MCL consider that the mapping of the landscapes over these zones falls within the scope of the Stage 2 topics. It is therefore open to MCL to submit to that matter at this time.
9. In addition, MCL submit that if the stage 2 proposals for Chapter 6 are accepted, the Panel would need to reopen the hearings on Chapter 22 for the rural lifestyle and rural residential zones (Stream 02) to resolve how these tensions that would arise from the application of the objective and policies relating to the landscape categories. This would include the presumption of enabling development at a density of 4,000m².
10. MCL submits that the Council has failed to consider the implications of the proposed changes to Chapter 6, including any s32 analysis of the impact of this changes on urban land beyond the proposed Open Space and Recreation Zones.
11. Where the rule (as originally notified as part of Stage 1) includes the term “landscape categories”, MCL considers that the plan is not referring to Part 2 of the Act but rather the objectives, policies and assessment matters that apply to the three landscape classifications under the PDP. Accordingly, MCL submits that the wording of this rule could be improved to reflect that it is the classification of landscapes of the District and related objectives and policies for each classification within Chapter 6, which apply to the Rural Zone
12. In order to remain consistent with the policies, MCL submits that the Rule should also be amended to clarify that the Rural Zone is just that and does not include the rural lifestyle zone and the rural residential zones (Chapter 22) or the recently notified Wakatipu Basin Rural Amenity Zone (Chapter 24).

Visitor Accommodation

13. MCL opposes the addition of any further rules within the rural residential and rural lifestyle zone having the effect of regulating the effects of short term stays for paying visitors and guests.
14. MCL submits that the effects of short term stays within the rural residential and rural lifestyle zones do not justify the proposed restrictions for the following reasons:

- a) These zones contribute comparatively little to the housing stock across the District and enabling this form of accommodation has much less impact on the availability houses to provide for residential accommodation;
 - b) Housing within rural residential areas is less affordable than housing within the urban areas and any reduction to residential capacity within these areas through short term accommodation would have little impact on the affordability of housing within the District;
 - c) Based on the analysis provided in support of the changes to the PDP by Infometrics², the majority of short term accommodation is occurring within urban areas of the District³;
 - d) The addition of the rules over short term guest accommodation within residential units or residential flats is not effects based;
 - e) Short stay visitor stays within residential units and residential flats provides for the economic wellbeing of people and communities without adversely affecting the environmental qualities of the rural residential or rural living environment; and
 - f) A blanket restriction by the Council to exclude short term guest stays within residential units or residential flats across all zones providing for residential accommodation is overly restrictive. The rural and rural living areas would provide one example of areas where enabling short term guest stays on residential accommodation would be both appropriate and have no adverse effects.
15. MCL submits that if there are any wider effects of short term visitor stays (beyond the availability of houses for residential activity), the rural residential and rural lifestyle zones are ideally suited to internalise such effects due to the generous nature of open space, distances between neighbours and the ability to provide for car parking and services.
16. The relief sought in the submission by MCL is to delete the changes to Chapter 22 Rural Residential and Rural Lifestyle Zone introduced through the stage 2 proposals notified by the Council.

Consequential and Further Changes

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.

² Infometrics, "Measuring the scale and scope of Airbnb in Queenstown-Lakes District" (November 2017)

³ Section 6, *ibid*

SECTION C: SPECIFIC SUBMISSIONS TO THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN (STAGE 2 TOPICS)

Specific Provision	Submission	Decisions Sought [New text shown <i><u>underlined bold italics</u></i> and deleted text shown as <i>italic strike-through</i>]
Chapter 6 Landscapes		
6.2 Values	<p>Oppose</p> <p>MCL opposes removal of the description of the values contained within 6.2, to the extent that it creates the potential for the landscape policies to apply to development located outside of the rural zone.</p>	Retain 6.2 Values, as detailed within Stage 1 of the PDP
Rule 6.4.1.2	<p>Oppose</p> <p>MCL opposes the modification to this rule that have the effect of broadening the application of the Chapter 6 landscape categories to land located outside of the Rural Zone,</p> <p>The landscapes of the district have been categorised into three classifications <u>within the rural zone</u>⁴, being the outstanding natural landscapes, outstanding natural features and the rural landscape classification. This is reflected within Policy 6.3.1.2 which establishes the policy basis for the landscape classification within the rural zone. The changes introduced through the Variation at the back of proposed Chapter 38 does not change this policy. The clarification under Rule 6.4.1.2 stating that the landscape categories apply only to the rural zone and that the landscape chapter and strategic directions chapters objectives and policies is a correct reflection of the structure of</p>	<p>Amend Rule 6.4.1.2, as follows:</p> <p style="padding-left: 40px;"><i>The <u>classification of landscapes of the District and related objectives policies for each classification within Chapter 6 landscape categories</u> apply only to the Rural Zone. The Landscape Chapter and Strategic Direction Chapter's objectives and policies are relevant and applicable in all zones where landscape values are at issue.</i></p>

⁴ 6.2, Page 6 – 2, Chapter 6, PDP - Values

Specific Provision	Submission	Decisions Sought [New text shown <i>underlined bold italics</i> and deleted text shown as <i>italic strike-through</i>]
	<p>the unmodified policies and the proposed changes by the council conflict with this policy direction.</p> <p>Where the rule includes the term “landscape categories”, MCL considers that the plan is not referring to Part 2 of the Act but rather the objectives, policies and assessment matters that apply to the three landscape classifications under the PDP.</p> <p>Accordingly, MCL seeks that the wording of this rule could be amended to reflect that it is the classification of landscapes of the District and related objectives and policies for each classification within Chapter 6, which apply to the Rural Zone</p>	
Rule 6.4.1.3	<p>Oppose</p> <p>The effect of the proposed change to Rule 6.4.1.3 it to focus the application of the rule to “assessment matters”. This is confusing because Chapter 6 does not contain any assessment matters and the only other relevant assessment would be those included within Chapter 21 Rural Zone. Chapter 22 does not have any assessment matters relevant to subdivision and development (except with respect to hazards in the Makarora Lifestyle Zone). In addition, because this rule is worded in the negative i.e. the assessment matters do not apply to the certain areas, it could be interpreted that the assessment matters do apply to all other zones, including the Rural Residential Zone, outside of those listed exemptions.</p> <p>On this basis, the effect of the proposed changes to Rule 6.4.1.3 would be to apply assessment matters for the three landscape classifications within Chapter 21 Rural Zone to subdivision or development across all other zones, including the Rural Residential Zone. As detailed in the submission made above on Rule 6.4.1.2 the policies of Chapter 6 apply the landscape classifications and related provision to the Rural Zone. The</p>	<p>Amend Rule 6.4.1.3, as follows:</p> <p><i><u>The landscape categories classification of landscapes of the District, the related objectives policies for each classification within Chapter 6 and the landscape assessment matters within provision 21.7 (Chapter 21), do not apply to the following within the Rural Zones:</u></i></p> <ul style="list-style-type: none"> a. <i>Ski Area Activities within the Ski Area Sub Zones.</i> b. <i>The area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps.</i> c. <i>The Gibbston Character Zone.</i> <p><i><u>For the avoidance of doubt, the Rural Zone does not include the Wakatipu Basin Rural Amenity Zone (or Precincts) (Chapter 24), the Rural Lifestyle Zone or the Rural Residential Zone (Chapter 22).</u></i></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i></i></u> and deleted text shown as <i></i>]
	<p>Council hasn't sought to amend these policies and the changes to this Rule would not change how the policies relating to the three landscape classifications would apply.</p> <p>Where the rule (as originally notified as part of Stage 1) includes the term "landscape categories", MCL considers that the plan is not referring to Part 2 of the Act but rather the objectives, policies and assessment matters that apply to the three landscape classifications under the PDP. Accordingly, MCL seeks that the wording of this rule be amended to reflect that it is the classification of landscapes of the District and related objectives and policies for each classification within Chapter 6, which apply to the Rural Zone</p> <p>In order to remain consistent with the policies, MCL seeks that the Rule should also be amended to clarify that the Rural Zone is just that and does not include the rural lifestyle zone and the rural residential zones (Chapter 22) or the recently notified Wakatipu Basin Rural Amenity Zone (Chapter 24).</p>	
Visitor Accommodation		
Rule 22.4.18 Residential Visitor Accommodation and Homestays	<p>Oppose</p> <p>MCL opposes the addition of any further rules within the rural residential and rural lifestyle zone having the effect of regulating the effects of short term stays for paying visitors and guests. MCL seeks the deletion of changes sought through the stage 2 proposals notified by the Council for the reasons detailed above.</p>	Delete Rule 22.4.18
Rule 22.5.14 Standards for Residential Visitor Accommodation	<p>Oppose</p>	Delete Rule 22.5.14

Specific Provision	Submission	Decisions Sought [New text shown <i><u>underlined bold italics</u></i> and deleted text shown as <i>italic strike-through</i>]
	MCL oppose the addition of this new standard, within the rural residential and rural lifestyle zones for the reasons detailed in this submission above.	
Rule 22.5.15 Standards for Homestays	<p>Oppose</p> <p>MCL oppose the addition of this new standard, within the rural residential and rural lifestyle zones for the reasons detailed in this submission above.</p>	Delete Rule 22.5.15

MCL opposes the Variations and Stage 2 chapters in their entirety if the deficiencies identified in this submission are not addressed, and seeks that the Stage 2 Variations and Chapters be declined in the event the deficiencies are not addressed.

MCL seeks any other consequential or other changes / relief as necessary or appropriate in order address the issues raised in this submission.