

**Appendix B** – a copy of the Appellant's original 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:** Lake Hayes Cellar Limited  
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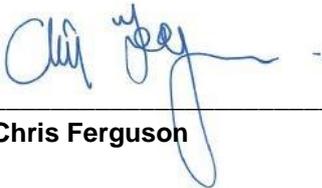
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Lake Hayes Cellar Limited (the "LHC") makes the submissions on Stage 2 of the Proposed Queenstown Lakes District Plan ("PDP") set out in the **attached** document.

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

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

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



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**Chris Ferguson**

Lake Hayes Cellar Limited

23<sup>rd</sup> day of February 2018

## OUTLINE OF SUBMISSION

This submission has been structured under the following headings:

### ***Section A: Overview***

### ***Section B: Reasons for Submission***

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

## SECTION A: OVERVIEW

1. LHC owns land at 10 Arrowtown Lake Hayes Road, at the intersection with State Highway 6. Its land has been identified within the Rural Zone under the Proposed Queenstown Lakes District Plan ("PDP"). It has the same zoning under the operative District Plan.
2. LHC made a submission on Stage 1 of the PDP seeking to rezone its land as Rural Residential, to better reflect the character of the area and the surrounding zoning pattern. In addition, the LHC submission also seeks to recognise and provide for the character of the established commercial activities (cellar door and bistro) through the introduction of a commercial overlay and related provisions.
3. LHC are generally opposed to the new planning regime proposed for its land, which is identified within the Wakatipu Basin Rural Amenity Zone. In the event the Council adopts the Wakatipu Basin Rural Amenity Zone as part of the Stage 2 proposals, this submission details a number of proposed changes to better provide for the established character of activity over this and adjacent land, to integrate with the higher order strategic directions and landscape chapters, as well as to make an efficient use of the available land resource without unnecessary regulation.
4. In general terms, the submission seeks to carry through the changes sought in its submission to the Stage 1 PDP chapters in a way that integrates with the new provisions.
5. The reasons for these submissions are outlined in Section B, together with a further evaluation of the options to achieve the objectives of the plan in terms of s.32AA with the specific relief being contained within Section C.

## SECTION B: REASONS FOR SUBMISSION

### **Description of the Site**

6. The site is located on the north-eastern side of the intersection of State Highway 6 and Arrowtown Lake Hayes Road. The address of the land owned by LHC is 10 Arrowtown Lake Hayes Road. The sites contain the established Amisfield Bistro and Cellar Door as well as an area of vineyards to the north. Vehicle access to the site is from established vehicle crossings onto the Arrowtown Lake Hayes Road.
7. The LHC land to which the submission relates is legally described as Part Lot 1 DP 326378, being 1.6863 hectares in area and contained within Computer Freehold Register 107260.
8. While this submission is primarily concerned with the LHC land and the site of the Amisfield Bistro and Cellar Door, it falls within a broader landscape character unit which this submission seeks to address also within the scope of its proposed relief.
9. The location and context of the LHC land is illustrated on the aerial image, extracted from the Councils GIS below.

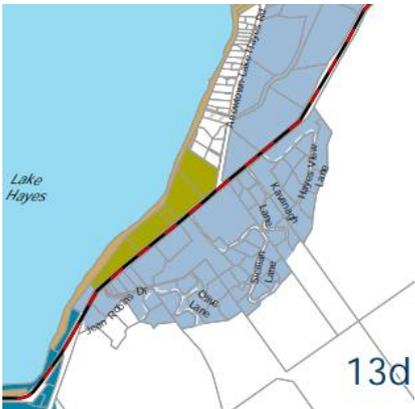


**Background and Resource Consent History**

- 10. Amisfield has become an integral part of the Queenstown Lakes District. Amisfield is recognised, both within New Zealand and internationally, as an iconic destination at which to experience premium New Zealand food and wine in an unrivalled landscape setting.
- 11. LHC holds approved resource consents, now implemented, to establish and operate a winery (RM970591), to establish signage (RM040075), construction additions to the winery building (RM041030 and RM0060442) and to hold an art exhibition (RM071218).
- 12. The land has been identified within the Wakatipu Basin Rural Amenity Zone under the Stage 2 PDP proposal and within the Rural Zone under the Stage 1 PDP. However, the land either side of the site includes the low density residential zone along the western side of the Arrowtown Lake Hayes Road and an area of Rural Residential zone under the operative District Plan on the eastern of State Highway 6. The LHC land occupies an isolated wedge between these two zones.
- 13. Below are extracts of the Stage 1 PDP Planning Map 30 and the Stage 2 Stage 2PDP Planning Maps showing the area of the LHC land and surrounding zoning.



**Stage 1 PDP Planning Map 30**



**Stage 2 PDP Planning Map 30**

## Summary of Proposed Relief

14. LHC generally opposes the Wakatipu Basin Rural Amenity Zone ('the Zone'). The basis for this variation was a minute from the Chair of the Hearings Panel, issued at the completion of the hearings on the rural zone, observing that further development in the Wakatipu Basin has the potential to cumulatively and irreversibly damage the character and amenity value which attracts residents and other activities to the areas and additionally, that the rural character and amenity values of the Wakatipu Basin do not derive predominantly from farming and agricultural practices.
15. The Zone seeks to reframe the management of subdivision, use and development within the rural landscape classification based on an analysis of landscape values through the mapping of and associated descriptions of landscape character units<sup>1</sup>. Taking into account the nature of existing development, including development of Special Housing Areas, the Precinct has been identified over areas having greater potential to accommodate change.
16. Unfortunately, the provisions for the Zone extinguish development rights created through the provisions of the operative District Plan by failing to recognise and provide for residential building platforms within the Zone rules. A minimum allotment size is also proposed for the Zone that creates an expectation for subdivision and development across the Zone within areas having higher landscape values and closer to the Outstanding Natural Landscapes and Features that border the Zone. The provisions also fail to address the relationship to the higher order objective and policies for the Rural Landscape Classification, including whether in light of the new provisions, are appropriate as higher order support for the Zone. Together, LHC submits that the provisions fail to achieve the objective of the hearings Panel to manage cumulative effects and to implement the higher order objectives relating to strategic directions and landscape (in particular).
17. Through this submission, LHC seeks the following general relief:
  - a) Based on the general concerns raised above, deletion of the provisions of Chapter 24 and the associated changes to other chapters sought through the Stage 2 PDP and rezone the Amisfield land as rural residential, together with the creation of a commercial overlay in the manner sought through its submission on the Stage 1 PDP; or
  - b) In the alternative:
    - i. Amend the Planning Maps to identify the LHC land within a new Lakes Hayes Cellar Precinct
    - ii. Amend the provisions of Chapter 3 Strategic Directions and Chapter 6 Landscapes to provide appropriate objective and policy support for the Zone, including to:
      - Recognise that the Wakatipu Basin has landscape qualities distinct from the Rural Landscape Classification;
      - Identify the characteristics and amenity values of the Wakatipu Basin through a proper and comprehensive mapping of the landscape character areas within it;
      - Recognise and provide for areas of commercial activities within the basin and provide for them through a new Lakes Hayes Cellar Precinct;

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<sup>1</sup> Kaye, et al "Wakatipu Basin Land Use Planning Study", March 2017

- Recognising the opportunities for low density housing within the rural setting;
  - Provide an appropriate policy structure in support of the proposed areas of landscape character and guidelines underpinning Chapter 24; and
  - Ensure that the landscape categories within Chapter 6 do not apply within the Lakes Hayes Cellar Precincts.
- iii. Amend the provisions of Chapter 24 Wakatipu Basin Rural Amenity Zone to recognise and provide for commercial activity within a new Lakes Hayes Cellar Precinct and to carry through the general relief into this new chapter from the Stage 1 PDP submission.
18. The specific changes sought to the PDP provisions are detailed within Section C of this submission.

### **Integration with Strategic Directions and Landscape Chapters**

19. The Wakatipu Basin Rural Amenity Zone is a new zone that has been created because of the distinctive characteristics of the Wakatipu Basin. It has been designed to manage the land identified within the Rural Landscape Classification, but differs in significant ways on how it proposes to manage this resource from the remainder of the district. Those differences are underpinned by the outcomes of the Wakatipu Basin Land Use Planning Study<sup>2</sup> (the WB Study) that identifies the landscape character units for the Wakatipu Basin and formulates a suite of landscape guidelines for the new zone. Despite this, the scope of the Stage 2 PDP changes does not include any higher order objective or policy support.
20. LHC considers that the district wide strategic directions and landscape chapters chapter need to be modified to provide appropriate policy support for the Zone and avoid unnecessary tensions within the existing policies, including to recognise that the basin has landscape qualities distinct from the rural landscape classification; that the character and amenity values of the Wakatipu Basin are mapped and landscape guidelines are formulated; that areas of rural living are provided through the lifestyle precinct; and that subdivision, use or development within the basin responds to the identified characteristics and values (Refer Section C for detailed relief).

### Application of the Landscape Categories

21. Other changes made to Chapter 6, through Chapter 38 Open Space and Recreation, seek 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. LHC opposes these changes and considers the rules within Chapter 6 need be amended to clarify that with respect to assessing the effects of subdivision or development the objectives and policies relating to the three classifications of landscapes within this chapter should not apply to the Wakatipu Basin Lifestyle and Lakes Hayes Cellar Precincts.
22. LHC submits that the outcomes from subdivision or development undertaken in accordance with rules for the Precincts or other rural lifestyle zone 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.

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<sup>2</sup> Kaye, et al "Wakatipu Basin Land Use Planning Study", March 2017

23. LHC submits that these policies and the objectives and policies applying to the three landscape classifications fundamentally conflict with the purpose of any rural lifestyle zone or precinct to provide residential living opportunities.
24. LHC 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.
25. Where the rules (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
26. In order to remain consistent with the policies, MCL submits that the amendments to the Rules are necessary 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).

### **Planning Maps**

27. LHC opposes inclusion of its land within the Wakatipu Basin Rural Amenity Zone and submits this zoning does not reflect properly the character mapping undertaken as part of the WB Study, the pattern of existing zones under the operative District Plan and the nature of established activities.
28. The LHC land has been identified within the Landscape Character Unit mapping as part of the Lakes Hayes Slopes character unit. The associated character unit description included within Chapter 24, identifies land use as being predominantly rural residential with scattered dwellings throughout and numerous consented but unbuilt platforms (24). The area also benefits from access to reticulated infrastructure. The landscape unit description also notes the elevated topography that is highly visible from the surrounding area and suggests larger scaled lots for potential subdivision.
29. Within this landscape unit is the large rural residential zones located on the south side of State Highway 6 and a combination of smaller areas of rural residential and rural lifestyle along the eastern side of the Arrowtown – Lake Hayes Road located to the north of the LHC land, as shown in the extract from the WB Study below.



30. Inclusion of all of the land within Character Unit 13 within the Zone and outside of the Lifestyle Precinct has the effect of removing the development rights currently enjoyed by the landowners within the area. LHC consider that because of this underlying pattern of land use, inclusion of this land within the Zone will undermine the effectiveness of that zone. LHC submits that there is strong landscape and planning grounds for inclusion of the LHC land and surrounding area of Lakes Hayes Slopes Character Unit within the proposed Precinct Zone with an overlay. Not to do so will fail to adequately achieve the objectives of the PDP and provide for the sustainable management of this land resource.
31. On this basis, LHC seeks the following changes to the Stage 2 PDP Planning Maps:
- a) Removal of the LHC land from the Wakatipu Basin Rural Amenity Zone; and
  - b) Inclusion of the LHC land within a new Lakes Hayes Cellar Precinct; and

#### **Chapter 24 Wakatipu Basin**

32. LHC seeks a number of detailed changes to the objectives, policies and rules of Chapter 24 Wakatipu Basin to recognise and provide for the Lakes Hayes Cellar Precinct and to ensure a more balanced framework of provisions over the LHC land. These changes are designed to achieve the following:
- a) The addition of new text within the Zone Purpose to recognise the areas within the Zone containing commercial activity and which are not entirely consistent with the amenity outcomes anticipated for the Zone;
  - b) The formulation of a new objective and relates policies within the Zone relating to the Lakes Hayes Cellar Precinct;
  - c) Balancing of a range of policies within the zone;
  - d) The addition of a rule enabling a limited range of Activities to occur within the Lakes Hayes Cellar Precinct as a controlled activity;
  - e) Enabling the construction of any building within with the Lakes Hayes Cellar Precinct as a permitted activity, including within an established building, subject to compliance with standards as proposed through the Stage 1 Rural Lifestyle Zone rules;

- f) Removal of the rules relating to clearance, works or trimming of exotic vegetation above 4m in height;
  - g) Modify the rules relating to maximum building coverage, building height and setbacks from roads;
  - h) Establish a minimum and average density requirement reflecting the subdivision rules; and
  - i) Amending the standards for noise within Chapter 36 (noise) to recognise the Lakes Hayes Cellar Precinct and impose suitable noise limits.
33. The purpose of the Lakes Hayes Cellar Precinct sought by LHC is to recognise and provide for the nature of the established activities on the LHC land, but also to provide a wider base of support in the PDP to enable the land resource to be diversified into a range of related permanent activities appropriate to these amenities, including:
- Conferences and events
  - Weddings and functions
  - Exhibitions
  - Retail sales of regionally produced food and wine

#### **Section 32AA Evaluation**

34. The following summary evaluation has been prepared under section 32AA of the Act to supplement the proposed rezoning sought for the LHC land and the creation of the Lakes Hayes Cellar Precinct. This evaluation is prepared as an update that that provided in associated with the Stage 1 PDP submission. S.32AA requires that a further evaluation under sections 32(1) to (4) is necessary for any changes that have been made to the proposal since the evaluation report for the proposal was completed.
35. In accordance with s.32AA(1)(c) this evaluation has been undertaken at a level of detail which corresponds to the scale and significance of the changes.
36. This evaluation will be updated at the time of the Hearing, to take into account evidence and considerations that come to light after the preparation of this submission.

#### **Proposed District Plan Policy Framework**

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

#### **Chapter 3 Strategic Directions**

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

38. The LHC land has developed as an important commercial activity servicing key employment functions. The proposed changes will provide greater recognition of the local service and employment functions located on the LHC site and this reinforces Objective 3.2.1.2.

*Objective 3.2.5.2 Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.*

39. The site falls within an area of Rural Landscape Classification in terms of the mapping included within the PDP. Inclusion of this land within the Wakatipu Basin Rural Amenity Zone and the

proposed Lakes Hayes Cellar Precinct is designed to reinforce the values detailed within detailed landscape character mapping and the particular values of this part of the Rural Landscape.

40. The detailed description of the Lakes Hayes Slope character unit included within Chapter 24 identifies the areas as containing a scattering of rural dwellings and a number of consented but unbuilt dwellings. Any new development in this area would continue the current rural residential development, in character with existing development in the area, but not to the same density as the residential land to the west. The two road boundaries provide an obvious partition, further flanked by a heavy screen of established vegetated.
41. This is in contrast to the more open and steeper slopes of Morven Hill further north and east. Extending the zone to take in the adjoining land at Lot 2 DP 326378 enables a northern edge to be formed that extends across to match with the operative District Plan rural residential zone aligning the eastern side of State Highway 6. In this way, the creation of the proposed Lakes Hayes Cellar Precinct will read as a coherent part of the landscape with well-defined edges and located within a part of the landscape where adverse effects on the rural landscape are minimised to achieve Objective 3.2.5.2.

*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.*

42. As identified above, the land forms part of the same landscape that provides for existing rural residential development and is associated with the dominant residential character along the lower slopes of Morven Hill and around the periphery of Lake Hayes.
43. Enabling further development by rezoning the LHC site would therefore appropriately direct new subdivision and development to areas which have potential to absorb change without detracting from landscape and amenity values to achieve Objective 3.2.5.3

## **Chapter 6 Landscapes**

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

44. As identified above, the site is associated with the dominant residential character of land below Morven Hill and around Lake Hayes, and has a higher ability to absorb change. Consequently, those parts of the Rural Landscape Classification which are more open and do not have ability to absorb change will be protected from inappropriate subdivision and development to achieve Objective 6.3.1.

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

45. The proposed relief seeks to achieve greater definition of the zone boundary, which is based on topography and landscape character. Because it will better relate to the existing land use, the relief sought will not increase the potential for adverse cumulative effects.

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

46. The Amisfield Bistro and Cellar Door are an important part of the tourism infrastructure, which makes an important contribution to the economic well-being of the District. The provisions seek to make greater recognition of this significance through the creation of the Lakes Hayes Cellar Precinct, positively implementing Objective 6.3.8.

## Evaluation

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

47. The reasonably practicable options available to provide for the use and development of the site under the PDP include:
- (a) Retain as Rural Zone with continued use and development is managed through resource consent
  - (b) Include within the notified Wakatipu Basin Rural Amenity Zone
  - (c) Rezone as Wakatipu Basin Rural Lifestyle precinct
  - (d) Rezone within the Wakatipu Basin Rural Lifestyle precinct with the addition of a Lake Hayes Cellar Precinct across the LHC site.
48. Retaining the Rural Zone would ensure those objectives of the PDP aimed at managing the effects of subdivision, use, and development within rural landscapes are achieved. However, unlike the Lifestyle Precinct, it would not assist in directing additional rural lifestyle development to appropriate locations to maintain qualities of the wider rural landscape, or assist to ensure mix of housing opportunities are provided. This also relies on managing the continued commercial activities through existing resource consent conditions and any further development or changes through further resource consent on an ad-hoc basis.
49. Retention of the land within the Wakatipu Basin Rural Amenity Zone will result in a similar outcome to that of the Rural Zone, but with added regulation of building as a restricted discretionary activity and greater control over outcomes through the detailed landscape character descriptions.
50. The Lifestyle Precinct would direct new subdivision, use or development to an area of the landscape with potential to absorb change without detracting from landscape values (Objective 3.2.5.3), avoid adverse cumulative effects on landscape character by creating a more legible boundary to the Lifestyle Precinct on both sides of State Highway 6 (Objective 6.3.2), and will be located within a part of the landscape with similar character and ensure a mix of housing opportunities (Objective 3.2.6.2). However as with the options above, it would also fail to recognise the continued operation and growth of commercial activity and thus less effective in achieving Objective 6.3.8.
51. With the addition of the Lakes Hayes Cellar Precinct, the provisions will carry the same benefits that the Lifestyle Precinct achieves by itself, but has the further advantage of implementing in a more positive way Objective 6.3.8 recognising the dependence of tourism on the District's landscapes and Objective 3.2.1.2 by recognising, developing and sustaining the key local service and employment functions served by commercial centres outside of the Queenstown central business areas.

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

- (a) Effectiveness:

As outlined in the evaluation of the PDP objectives above, rezoning the site to create a Lakes Hayes Cellar Precinct will be effective in that it will achieve the objectives of the PDP.

- (b) Efficiency

<b>Benefits</b>	<b>Costs</b>
<p><b><i>Environmental</i></b></p> <p>The Lake Hayes Cellar Precinct would allow additional commercial development opportunities in an area where there is established commercial activity, thereby reducing pressure for commercial activity in other rural locations.</p> <p><b><i>Economic:</i></b></p> <p>The addition of the Lakes Hayes Cellar Precinct will better recognise and provide for the operation tourist related land use and infrastructure, which serves an important employment function and contributes to the economic wellbeing of the District.</p>	<p><b><i>Economic</i></b></p> <p>Overdevelopment of the area would lead to a loss of landscape amenity values and therefore a reduction of visitors to the area.</p> <p><b><i>Social &amp; Cultural</i></b></p> <p>Insensitive development would negatively impact on landscape amenity and the character of the area.</p>

52. Compared with retaining the Rural Zone and the proposed Wakatipu Basin Rural Amenity Zone, inclusion of the Lake Hayes Slopes Character Unit with a Lakes Hayes Cellar Precinct over the LHC land will be efficient as the benefits will outweigh any costs. While rezoning would facilitate some loss of rural land, that economic cost is low because of the relative small size of the land and the nature of the existing non-rural uses. Furthermore, that loss will be compensated by reducing pressure for commercial development in other rural locations and the better recognition of the use and development of tourism infrastructure on this land.

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

53. The Lakes Hayes Cellar Precincts provide the most appropriate way of achieving the relevant objectives of the PDP because:
- (a) It provides additional commercial opportunities in an area where such development would be consistent with the dominant character, and there is capacity to absorb visual change without degrading landscape character or visual amenity values; and
  - (b) In so doing, it will reduce pressure for such development in other areas of the rural environment where there is limited capacity for commercial activity.
  - (c) It will recognise and provide for the use, development and consolidation of commercial activities on the land that is an important part of the tourist infrastructure and will provide for the economic well-being of the District.

**Consequential and Further Changes**

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



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

Specific Provision	Submission	Decisions Sought [New text shown <u><b><i></i></b></u> and deleted text shown as <i><del>strike-through</del></i> ]
<b>Chapter 3 – Strategic Directions</b>		
New Policies 3.2.5.2.2, 3.2.5.2.3 and 3.2.5.2.4 (notified proposal)	The provisions of the new Chapter 24 recognise and provide for subdivision, use and development within the Wakatipu Basin in a way that is distinct from the remainder of the Rural Landscape Classifications of the District. These provisions have been formulated from a detailed study that identifies areas of landscape character and landscape guidelines that are proposed to be incorporated into the plan. LHC considers that the strategic directions policies need to provide an appropriate policy structure to support the provisions which follow within Chapter 24, including the identification of areas of commercial character.	<p>Add a new Policy 3.2.5.2.2 (Notified proposal), as follows:</p> <p><u><i>Recognise the Wakatipu Basin as having landscape qualities distinct from the Rural Landscape Classification of the District</i></u></p> <p>Add a new Policy 3.2.5.2.3 (Notified proposal), as follows:</p> <p><u><i>Identify the characteristics and amenity values of the Wakatipu Basin through the mapping of areas of landscape character and the formulation of associated landscape guidelines.</i></u></p> <p>Add a new Policy 3.2.5.2.4 (Notified Proposal), as follows:</p> <p><u><i>Recognise the commercial character of established non-residential activities within the Wakatipu Basin through the identification of a Lakes Hayes Cellar Precinct.</i></u></p>
New Policy 3.2.6.2.4 (notified proposal)	Objective 6.2.6.2 appropriately recognises for a mix of housing opportunities and is part of the broad structure of support for rural lifestyle zones. LHC consider that the addition of a further policy associated with this objective would assist in recognising and understanding the role of the lifestyle areas (zones and precincts) in providing opportunities for housing within a rural setting.	<p>Add a new Policy 3.2.6.2.4 (notified proposal), as follows:</p> <p><u><i>Opportunities for low density housing are enabled within a rural setting to provide greater access to open space, recreation, nature conservation and rural amenity values.</i></u></p>
<b>Chapter 6 Landscapes</b>		
6.2 Values	<b>Oppose</b>	Retain 6.2 Values, as detailed within Stage 1 of the PDP

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as <i>italic strike-through</i> ]
	LHC 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.	
Policy 6.3.1.4 (notified proposed)	<p><b>Oppose</b></p> <p>In light of the provisions of Chapter 24 and the detailed mapping and associated descriptions of the landscape character units within the Wakatipu Basin, LHC submits that his policy is no longer appropriate to this part of the Rural Landscape Classification. In particular, the Precinct anticipates subdivision at an average of 1ha based on it having high capacity to absorb change without detracting from landscape and amenity values. This conflicts with the direction of this policy of subdivision being inappropriate in almost all locations.</p>	<p>Amend Policy 6.3.1.4 (notified proposal), as follows:</p> <p><i>That subdivision and development proposals located within the Rural Landscape, outside of the Wakatipu Basin Rural Amenity Zone, Wakatipu Basin Lifestyle Precinct and Wakatipu Basin Lakes Hayes Cellar Precinct, 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.</i></p>
New Policy 6.3.1.5 (notified proposal)	<p>The provisions of the new Chapter 24 recognise and provide for subdivision, use and development within the Wakatipu Basin in a way that is distinct from the remainder of the Rural Landscape Classification of the District. These provisions have been formulated from a detailed study that identifies areas of landscape character and landscape guidelines that are proposed to be incorporated into the plan. LHC considers that the district wide landscape chapter policies need to provide an appropriate policy structure to support the provisions which follow within Chapter 24.</p>	<p>Insert a new Policy 6.3.1.5 (notified Proposal), as follows:</p> <p><u>Subdivision, use or development of land within the Wakatipu Basin Rural Amenity Zone maintains or enhances the identified characteristics and values of this part of the landscape, incorporated into the assessment matters within 24.7.</u></p>
Rule 6.4.1.2	<p><b>Oppose</b></p> <p>LHC 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>Amend Rule 6.4.1.2, as follows:</p> <p><i>The classification of landscapes of the District and related objectives policies for each classification within Chapter 6 landscape categories apply only to the Rural Zone. The Landscape Chapter and Strategic</i></p>

Specific Provision	Submission	Decisions Sought [New text shown <i><u>underlined bold italics</u></i> and deleted text shown as <i><del>italic strike-through</del></i> ]
	<p>The landscapes of the district have been categorised into three classifications <u>within the rural zone</u><sup>3</sup>, 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 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”, LHC 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, LHC 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>	<p><i>Direction Chapter’s objectives and policies are relevant and applicable in all zones where landscape values are at issue.</i></p>
Rule 6.4.1.3	<p><b>Oppose</b></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</p>	<p>Amend Rule 6.4.1.3, as follows:</p> <p><i><u>The <del>landscape categories</del> 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> <p style="margin-left: 40px;"><i>a. Ski Area Activities within the Ski Area Sub Zones.</i></p>

<sup>3</sup> 6.2, Page 6 – 2, Chapter 6, PDP - Values

Specific Provision	Submission	Decisions Sought [New text shown <u><b>italics</b></u> and deleted text shown as <del><i>italic strike-through</i></del> ]
	<p>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, 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. 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 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", LHC 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, LHC 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> <p>In order to remain consistent with the policies, LHC submits that the Rule needs to 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> <p>In addition:</p>	<p>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></p> <p>c. <i>The Gibbston Character Zone.</i></p> <p><u><i>For the avoidance of doubt, the Rural Zone does not include the Wakatipu Basin Rural Amenity Zone (or Precincts) (Chapter 24), <del>the Rural Lifestyle Zone or the Rural Residential Zone (Chapter 22).</del></i></u></p>

Specific Provision	Submission	Decisions Sought [New text shown <i>underlined bold italics</i> and deleted text shown as <i>italic strike-through</i> ]
<b>Chapter 24 Wakatipu Basin</b>		
24.1 Purpose	<p><b>Oppose</b></p> <p>The description of the Zone purpose includes numerous references to “protection” of landscape character and landscape values. The Zone excludes any outstanding natural landscape and features where the provisions of s6(b) do not apply to protect landscape values. LHL submits that “protection” elevates landscape values above that required under s7of the Act.</p> <p>Based on the proposed relief to create a new Lakes Hayes Cellar Precinct, the addition of new text is proposed by LHC to ensure this overlay and associated rules are suitably integrated into the chapter.</p>	<p>a) Amend 24.1 Purpose to remove wording relating to the “protection” of landscapes.</p> <p>b) Add the following new paragraph to 24.1 Purpose:</p> <p><i><u>With the Zone are areas of land containing commercial activity that for historical reasons, accommodate activity which are not entirely consistent with the amenity outcomes anticipated within the Zone. The Lakes Hayes Cellar Precinct has been identified to recognise and provide for commercial activity within areas having access to primary road corridors, reticulated services and a scale of built form distinct from the remainder of the Zone. The Precinct seeks to minimise the adverse effects of commercial use and development of land on the wider Zone.</u></i></p> <p>c) Amend the second to last paragraph, as follows: “<i>In the Precinct a <del>limited</del> opportunity for subdivision is provided with a minimum lot size of 6,000m<sup>2</sup> ...</i>”</p>
Objective 24.2.1	<p><b>Oppose</b></p> <p>LHC oppose the inclusion of “protection” within the objectives. As the Zone does not include land located within the outstanding natural landscapes or features it is not subject to s6(b) of the Act.</p>	<p>Amend Objective 24.2.4.1, as follows:</p> <p><i>Landscape and visual amenity values are <del>protected</del>, maintained and enhanced.</i></p>
Policy 24.2.1.1	<p><b>Oppose</b></p>	<p>Amend Policy 24.2.1.1, as follows:</p>

Specific Provision	Submission	Decisions Sought [New text shown <u><b><i></i></b></u> and deleted text shown as <i><del>strike-through</del></i> ]
	LHC supports the policy support for establishing a minimum and average lot size, but submit this is not necessary to “protect” landscape character as the Zone is not subject to s6(b) of the Act.	<i>Implement minimum and average lot sizes within the Wakatipu Basin Rural Amenity Zone and the Wakatipu Basin Lifestyle Precinct to <del>protect</del> <u>maintain</u> landscape character and visual amenity values.</i>
Policy 24.2.1.8	<b>Oppose</b>  LHC oppose the inclusion of “protect” within this policy as the landscape is not subject to s6(b) of the Act and does not need to further establish policy direction for the wider Wakatipu Basin beyond the Zone.	Amend Policy 24.2.1.8, as follows:  <i>Ensure land use activities <del>protect</del>, maintain and enhance the range of landscape character and visual amenity values associated with the Zone, <u>and</u> Precinct <del>and wider Wakatipu Basin area.</del></i>
Policy 24.2.1.9	<b>Oppose</b>  LHC opposes the wording of this policy as openness and spaciousness are words capable of wide interpretation and characteristics associated with outstanding natural landscape or features.	Delete Policy 24.2.1.9
New Policy 24.2.1.13	LHC submits that the policies for the Zone need to recognise the established development rights created through residential buildings platforms and enable building. This policy supports further changes sought to the rules to provide for building within established building platforms as a permitted activity and to retain the rights created under the operative District Plan. LHC submits that there is no resource management justification for the removal of these established development rights.	Add a new Policy 24.2.1.13, as follows:  <i><u>Recognise established residential building platforms and enable building subject to achieving appropriate standards.</u></i>
Policy 24.2.5.1	<b>Oppose</b>  LHC oppose the uncertainty created through the wording of this policy, which subjects’ subdivision, use and development to achieving the values described within the landscape character units defined in Schedule 24.8. LHC submits that the landscape	Amend Policy 24.2.5.1, as follows:  <i>Provide for rural residential subdivision, use and development <u>within the Wakatipu Basin Lifestyle Precinct only where it protects, maintains or enhances</u> <del>the landscape character and visual amenity</del></i>

Specific Provision	Submission	Decisions Sought [New text shown <i><u>underlined bold italics</u></i> and deleted text shown as <i><del>italic strike-through</del></i> ]
	<p>character units are important for establishing the extent of the Precinct and for managing subdivision, use and development within the more sensitive areas of the Zone, outside of the Precinct. Accordingly, LHC seeks amendments to reflect the expectation of enabling subdivision, use or development within the Precinct.</p>	<p><del>values as described within the landscape character unit as defined in Schedule 24.8.</del></p>
<p>Policy 24.2.5.6</p>	<p><b>Oppose</b></p> <p>LHC oppose the policy (and rules) seeking to retain all vegetation within the Zone and consider the policy is contrary to the higher order policies relating to wilding species clearance and enhancing natural conservation values.</p>	<p>Delete Policy 24.2.5.6</p>
<p>New Objective 24.2.6 Lakes Hayes Cellar Precinct</p>	<p>A new objective is sought to recognise and provide for the Lakes Hayes Cellar Precinct proposed to be located over the LHC land as it is the most appropriate means of giving effect to the purpose of the Act.</p>	<p>Insert new Objective 24.2.6 Lakes Hayes Cellar Precinct, as follows:</p> <p><i><u>24.2.6 Objective – Wakatipu Basin Lakes Hayes Cellar Precinct. Recognise and provide for the non-residential character of the Lakes Hayes Cellar Precinct, which is distinct from other parts of the zone.</u></i></p>
<p>New Policies 24.2.6.1 to 24.2.6.4</p>	<p>New policies are sought to accompany the new Lakes Hayes Cellar Precinct objective to define the methods of managing effects on the surrounding environment from building development, commercial activities and noise.</p>	<p>Insert new Policies below the new Objective 22.2.6 Lakes Hayes Cellar Precinct, as follows:</p> <p><i><u>24.2.6.1 To enable commercial activities within the Lakes Hayes Cellar Precinct, where their effects on the environment can be appropriately managed.</u></i></p> <p><i><u>24.2.6.2 To encourage building associated with commercial activities within the Lakes Hayes Cellar Precinct to achieve a high level of design and external appearance.</u></i></p> <p><i><u>24.2.6.3 To recognise the scale of building associated with commercial activities within the Lakes Hayes Cellar Precinct as being greater than development anticipated within the zone.</u></i></p>

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		<u>24.2.6.4 To recognise that noise and hours of operation of activities located within the Lakes Hayes Cellar Precinct are different in character from the surrounding zone and other Precincts.</u>
Rule 24.3.3.1	<p><b>Support in Part</b></p> <p>LHC support in part this provision, clarifying the operation of the rules within the Lifestyle Precinct. Following from the relief sought in this submission to create a new Lakes Hayes Cellar Precinct, LHC seeks amendments to this general rule to ensure this change properly integrates within the Chapter 24.</p>	<p>Amend General Rule 24.3.3.1, as follows:</p> <p style="text-align: center;"><u>The Wakatipu Basin Lifestyle Precinct and the Lakes Hayes Cellar Precinct are a sub-zones of the Wakatipu Basin Rural Amenity Zone and all rules in Table 24.1 apply to the Precincts. Where specific rules and standards are identified for the Precincts in Tables 24.2, 24.3 and 24.34, these shall prevail over the Zone rules in Table 24.1.</u></p>
Rules 24.4.5	<p><b>Oppose</b></p> <p>LHC opposes the effect of this rule to require resource consent as a restricted discretionary activity across the whole of the Zone, including the Precinct and for the construction of any building within an existing approved or registered building platform.</p> <p>The Precinct has been identified as an area appropriate to absorb greater change. Within the Precinct, the provisions seek to enable subdivision to a density of 1ha (average) and LHC submits that restricted discretionary activity status for all building acts against the establishment of such a density limit.</p> <p>LHC submits that building needs to be a permitted activity within the Precinct and outside of the Precinct where it is located within an established building platform.</p> <p>LHC submits that the rules need to also provide for the establishment of building platform with the Zone (outside of the Precinct), both as part of the subdivision and land use provisions, as this has proven to be an effective means of managing the</p>	<p>Amend Rule 24.4.5, as follows:</p> <p><u>Rule 24.5.4.1</u> <u>The construction and exterior alteration of building located within a building platform registered on the computer register</u> <span style="float: right;"><u>P</u></span></p> <p><u>Rule 24.5.4.2</u> <u>Building within the Wakatipu Basin Lifestyle Precinct and the Lakes Hayes Cellar Overlay</u> <span style="float: right;"><u>P</u></span></p> <p><u>Rule 24.5.4.3</u> <u>Building and the identification of a building platform within the Wakatipu Basin Rural Amenity Zone, outside of the Wakatipu Basin Lifestyle Precinct</u> <span style="float: right;"><u>RD</u></span></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> <li>• <u>Building location scale and form.</u></li> <li>• <u>External appearance including materials and colours.</u></li> <li>• <u>Access ways.</u></li> <li>• <u>Servicing and site works including earthworks.</u></li> </ul>

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	<p>potential impact of buildings in more sensitive parts of the landscape.</p> <p>Once a building platform has been created and associated conditions established through covenant or consent notice, LHL submit there is no further need to require resource consent as any failure to comply with the conditions of the prior approval would require resource consent through s221 or s127 as a discretionary activity. LHC submit that the Council has failed to adequately assess the effectiveness and efficiency of the proposed rules in terms of implementing the higher order objectives of the PDP and of the significant social and economic consequences of removing the rights secured through historic resource consents. LHL supports the approach taken under the notified stage 1 rural residential and rural lifestyle zone zones and seeks to have a similar regime established within the Precinct.</p>	<ul style="list-style-type: none"> <li>• <u>Retaining structures.</u></li> <li>• <u>Infrastructure (e.g. water tanks).</u></li> <li>• <u>Fencing and gates.</u></li> <li>• <u>External lighting.</u></li> <li>• <u>Landform modification, landscaping and planting (existing and proposed).</u></li> <li>• <u>Natural hazards</u></li> </ul> <p>Excludes farm buildings as provided for in Rule 24.4.8</p>
Rule 24.4.29	<p><b>Oppose</b></p> <p>LHC oppose the introduction of this new rule for the Zone requiring resource consent as a restricted discretionary activity for clearance, works within the root protection zone or significant trimming of exotic vegetation greater than 4m in height. The rule is considered inefficient, difficult to administer and would act against the higher order objectives of the plan to avoid the spread of wilding trees and to also enhance natural ecosystems. LHC seeks to have this rule deleted.</p>	Delete Rule 24.4.29
<p>24.4 Rules – Activities</p> <p>New Commercial Precinct rule</p>	<p>LHC seeks to insert a new rule providing for commercial activities within the Lake Hayes Cellar Precinct is sought to recognise and provide for commercial activities, cafes and restaurants on this site for the general reasons expressed in Section B above.</p>	<p>Insert a new Table 24.3, below Table 24.2, providing for Commercial Activities within the Commercial Precinct as a controlled activity, as follows:</p>

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			Table 24.3: Activities in the Lakes Hayes Cellar Precinct	Activity Status
		<u>Rule 24.4.30</u>	<p><u>Commercial activities, limited to conferences and events, exhibitions, the retail sales of farm and garden produce and wine, located within the Lakes Hayes Cellar Precinct.</u></p> <p><u>Councils control is limited to:</u></p> <ul style="list-style-type: none"> <li>• <u>The bulk, location and external appearance of the building</u></li> <li>• <u>Traffic generation, access and parking</u></li> <li>• <u>Servicing infrastructure</u></li> <li>• <u>Signs</u></li> <li>• <u>Landscaping</u></li> </ul>	<u>C</u>
		<u>Rule 24.4.31</u>	<p><u>Cafes and restaurants</u></p> <p><u>Councils control is limited to the matters provided for within Rule 24.4.30</u></p>	<u>C</u>
Rule 24.5.1	<p><b>Support in Part</b></p> <p>LHC generally support the introduction of a building coverage standard as it is similar to the approach proposed within Chapter 22 (PDP Stage 1). As notified the rule is considered overly restrictive and needs to be amended to relate to the ground floor area of any individual building and not the cumulative gross floor area.</p> <p>LHC seeks to amend building coverage within the Lakes Hayes Cellar Precinct it seeks to enable up to 25% to reflect the amenity</p>	<p>Amend Rule 24.5.1 Building Coverage, as follows:</p> <p><u>The maximum building coverage for <del>all any individual buildings</del> shall be 15% of lot area, or 500m<sup>2</sup> <del>gross</del> <u>ground floor area whichever is the lesser, except within the Lakes Hayes Cellar Precinct where the maximum ground floor area of any building shall be limited to 25% of the net site area.</u></u></p>		

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	values anticipated. On this site, a slightly higher coverage is appropriate given the framework of the requirement for resource consent for any new building associated with a commercial activity and the emphasis on the achieving a high quality of building design	
Rule 24.5.3	<p><b>Oppose</b></p> <p>LHC oppose the proposed height limitation of 6m on the basis that 6m is overly restrictive considering the character of the existing environment, comprising generally larger but appropriately recessive buildings and the attributes of this area as having higher capacity to absorb change. LHC seeks to the rule to provide a maximum height of 8m, consistent with the operative District plan and PDP zones.</p>	<p>Amend Rule 24.5.3 Height of Buildings, as follows:</p> <p style="text-align: center;"><i>The maximum height of any building shall be <u>8m</u></i></p>
Rule 24.5.4	<p><b>Oppose</b></p> <p>LHC oppose a 75m setback from road boundaries within the Lifestyle Precinct. The Lifestyle Precinct has been identified as having greater capacity for change, deriving in part from the nature of existing development undertaken in accordance with operative District Plan zone. Imposing a setback 65m greater than under the existing regime will establish a meaningless standard that cannot be defended against the established environment in many instances. Moreover, where having a standard of 20m for the Zone, outside of the Lifestyle Precinct, will exacerbate problems in the context of areas with supposedly high landscape qualities. Accordingly, LHC seeks to remove the 75m building setback within the Precinct and rely on a 10m setback across all of the Zone.</p>	<p>Amend Rule 24.5.4 Setback from Roads, as follows:</p> <p style="text-align: center;"><i>The minimum setback of any building from road boundaries shall be <u>210m anywhere within the Zone and 75m in the Precinct.</u></i></p>
New Rule 24.5.17 Density	LHC support establishment of a minimum and average lot size for subdivision within the Lifestyle Precinct and submits that the Chapter 24 rules need to provide for an equivalent mechanism for land use activity, complimenting the proposed permitted activity	<p>Add a new Standard (Table 24,3), Rule 24.5.17, as follows:</p> <p>a) There shall be no more than one residential unit per site</p>

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	status for building. LHC seeks the addition of a new standard to enable a density of development having a minimum site area of 6,000m <sup>2</sup> and an average of 1ha.	b) For sites equal or greater than 1ha, there shall be no more than 1 residential unit per hectare, on average.
Rule 24.6 Non-notification of Applications	<b>Support in Part</b> LHC support in part this rule and seek to add controlled activities to the resources consents which shall not require written consent of other persons and shall not be notified or limited-notified.	Amend provision 24.6, as follows:  <i>Any application for resource consent for <u>controlled or restricted discretionary activities</u> shall not require the written consent of other persons and shall not be notified or limited – notified, with the exception of the following ...</i>
Provision 24.7.2	<b>Oppose</b> LHC oppose the cross-references to the higher order strategic directions, urban development and landscape chapters to this zone without the specific amendments to these provisions as detailed in this submission. LHL submits that the existing chapters would create fundamental conflicts that would undermine the specific direction offered through the Wakatipu Basin Rural Amenity Zone.	Delete provisions 24.7.2
<b>Chapter 27 Subdivision</b>		
Rule 27.4.3 b.	<b>Oppose</b> LHC oppose restricted discretionary activity status for subdivision located within the Lakes Hayes Cellar Precinct sought by LHC and the Lifestyle Precinct and having the same status as subdivision within the Wakatipu Basin Rural Amenity Zone. The Lifestyle Precinct has been identified following detailed mapping of landscape values and character units across the basin and identified on the basis of having generally greater capacity to absorb change. The Lakes Hayes Cellar Precinct has been identified to reflect the nature of established commercial activities, but for the LHC land is considered to be similar in character to the	Amend Rule 27.4.3 b., as follows:  <i>Any subdivision in the Wakatipu Basin Rural Amenity Zone, <u>excluding</u> <del>or the</del> <u>Wakatipu Basin Lifestyle Precinct</u>, meeting the minimum and/or average lot sizes specified in Rule 27.5.</i>  Add a new Rule 27.5.6, as follows:  <i><u>All subdivision activities within any Rural Lifestyle Zone, Rural Residential Zone, the Wakatipu Basin Lifestyle Precinct or the Lakes Hayes Cellar Precinct</u></i>  <i><u>Council's control is limited to:</u></i>

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	Lifestyle Precinct in terms of the character of surrounding residential activity. In the event the boundaries of the Lakes Hayes Cellar and Lifestyle Precincts are determined to satisfy the objectives of the Plan, LHC considers controlled activity status would be appropriate for subdivision within this area. Evidence for LHC presented at the PDP Stage 1 subdivision hearing proposed a new Rule 27.5.6 for the rural residential and rural lifestyle zone and is considered a suitable basis to provide for the Lakes Hayes Cellar Precinct.	<ul style="list-style-type: none"> <li>a. <u><i>The matters of control listed within Rule 27.5.5:</i></u></li> <li>b. <u><i>The location of building platforms in any rural lifestyle zone:</i></u></li> <li>c. <u><i>Orientation of lots to optimise solar gain</i></u></li> </ul>																			
Rule 27.5.1 Minimum Lot Size table	<p><b>Support in Part</b></p> <p>LHC supports the establishment of a minimum lot are and <u>minimum</u> average lot area for subdivision within the Precinct. LHC seeks to amend the wording of the standard to ensure that the density of subdivision achieves a minimum lot area of 6,000m<sup>2</sup> and <u>minimum</u> average lot area of 1ha, <u>so that it is clear a subdivision may achieve an average of lot sizes that are larger than 1ha.</u></p>	<ul style="list-style-type: none"> <li>a) Change heading of Table 27.5.1 to "<i>No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less that the minimum lot area or minimum average specified</i>"; and</li> <li>b) Establish a minimum lot area of 6,000m<sup>2</sup> and a minimum average lot area of 1 ha within the Lake Hayes Cellar Precinct.</li> </ul>																			
<b>Chapter 36 Noise</b>																					
Rule 36.5. Rules – Standards, 36.5.4 Rural Residential Zone	<p><b>Support in Part</b></p> <p>LHC has lodged comprehensive submission on the Stage 1 PDP topics, including to the Chapter 36 Noise Rules to recognise and provide for an appropriate noise standard on the LHC land. Based on the proposed introduction of Chapter 24 Wakatipu Basin, the relief sought in this submission is to replicate a similar framework for the LHC land under this new framework, including the proposal to create a new Lakes Hayes Cellar Precinct. LHC seeks to amend Rule 36.5.4 to exempt sound within the Lakes Hayes Cellar Precinct sought by LHC. The creation of a new and more</p>	<p>Amend Rule 36.5.4, as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #f4a460;"> <th rowspan="2">Table 2</th> <th colspan="4">General Standards</th> <th rowspan="2">Non-compliance Status</th> </tr> <tr style="background-color: #f4a460;"> <th>Activity or sound source</th> <th>Assessment location</th> <th>Time</th> <th>Noise Limits</th> </tr> </thead> <tbody> <tr> <td rowspan="2">36.5.4</td> <td rowspan="2">... Rural Residential Zone, <u><b>except within the Lakes Hayes Cellar Precinct</b></u></td> <td rowspan="2">Any point within the zone</td> <td>0800h to 2000h</td> <td>50 dB L Aeq(15 min)</td> <td>NC</td> </tr> <tr> <td>2000h to 0800h</td> <td>40 dB L Aeq(15 min) 75 dB L AFmax</td> <td>NC</td> </tr> </tbody> </table>	Table 2	General Standards				Non-compliance Status	Activity or sound source	Assessment location	Time	Noise Limits	36.5.4	... Rural Residential Zone, <u><b>except within the Lakes Hayes Cellar Precinct</b></u>	Any point within the zone	0800h to 2000h	50 dB L Aeq(15 min)	NC	2000h to 0800h	40 dB L Aeq(15 min) 75 dB L AFmax	NC
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	appropriate standard for that Lakes Hayes Cellar Precinct is subject to the addition of a further rule (outlined below).																				
New Rules 36.5.4.1 to 36.5.4.3	A new standard for sound is sought to be created to recognise and provide for commercial activities located within the Lakes Hayes Cellar Precinct sought by LHC.	Insert a new Rules 36.5.4.1, : <table border="1" style="margin-top: 10px; width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr style="background-color: #e67e22; color: white;"> <th rowspan="2" style="width: 8%;">Table 2</th> <th colspan="4">General Standards</th> <th rowspan="2">Non-compliance Status</th> </tr> <tr style="background-color: #e67e22; color: white;"> <th>Activity or sound source</th> <th>Assessment location</th> <th>Time</th> <th>Noise Limits</th> </tr> </thead> <tbody> <tr> <td rowspan="2" style="text-align: left;"><u><b>36.5.4.1</b></u></td> <td rowspan="2" style="text-align: left;"><u>Lakes Hayes Cellar Precinct</u></td> <td rowspan="2" style="text-align: left;"><u>At any point within a Residential Zone and at any point within the notional boundary in a Rural Zone</u></td> <td style="text-align: left;"><u>0800h to 2200h</u></td> <td style="text-align: left;"><u>50 dB L</u> <small><u>Aeq(15 min)</u></small></td> <td style="text-align: center;"><u>RD</u></td> </tr> <tr> <td style="text-align: left;"><u>2200h to 0800h</u></td> <td style="text-align: left;"><u>40 dB L</u> <u>75 dB L</u> <small><u>AFmax</u></small></td> <td style="text-align: center;"><u>RD</u>  <u>Discretion is restricted to the extent of effects of noise generated on adjoining zones.</u></td> </tr> </tbody> </table>	Table 2	General Standards				Non-compliance Status	Activity or sound source	Assessment location	Time	Noise Limits	<u><b>36.5.4.1</b></u>	<u>Lakes Hayes Cellar Precinct</u>	<u>At any point within a Residential Zone and at any point within the notional boundary in a Rural Zone</u>	<u>0800h to 2200h</u>	<u>50 dB L</u> <small><u>Aeq(15 min)</u></small>	<u>RD</u>	<u>2200h to 0800h</u>	<u>40 dB L</u> <u>75 dB L</u> <small><u>AFmax</u></small>	<u>RD</u>  <u>Discretion is restricted to the extent of effects of noise generated on adjoining zones.</u>
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			<u>2200h to 0800h</u>	<u>40 dB L</u> <u>75 dB L</u> <small><u>AFmax</u></small>	<u>RD</u>  <u>Discretion is restricted to the extent of effects of noise generated on adjoining zones.</u>																
<b>Planning Maps</b>																					
Planning Maps 13d and 30	<b>Oppose</b>  LHL are opposed to the inclusion of its land within the Wakatipu Basin Rural Amenity Zone for the reasons detailed within Section B, above. The relief sought in the LHC submission is to remove all of the land within the Lake Hayes Slopes Character Unit from the Wakatipu Basin Rural Amenity Zone, identify a new Lakes Hayes Cellar Precinct over the LHC land and rezone the remainder of the Lakes Hayes Slopes Character Unit as Wakatipu Basin Lifestyle	Amend Planning Map 13d and 30 (Stage 2 PDP), as follows: <ul style="list-style-type: none"> <li>(a) Remove all of the land within Character Unit 13 Lakes Hayes Slopes from the Wakatipu Basin Rural Amenity Zone;</li> <li>(b) Identify a new Lakes Hayes Cellar Precinct overlay over the LHC land, contained within Part Lot 1 DP 326378; and</li> </ul>																			

Specific Provision	Submission	Decisions Sought [New text shown <i><u>underlined bold italics</u></i> and deleted text shown as <i><del>italic strike-through</del></i> ]
	precinct. Detailed reasons for this relief are outlined in the general reasons and the associated s.32AA further evaluation expressed in Section B to this submission.	(c) <u>Rezone the remainder of the land within the Lake Hayes Slopes character unit as Wakatipu Basin Lifestyle Precinct.</u>

LHC opposes the Wakatipu Basin Variation Chapter 24, the Wakatipu Basin Rural Amenity zone and associated changes to chapter 27 and maps if the deficiencies identified in this submission are not addressed, and seeks that this Variation and associated maps be declined in the event the deficiencies are not addressed

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

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

**To:** Queenstown Lakes District Council  
Private Bag 50072  
**QUEENSTOWN 9348**

**Submitter:** Lake Hayes Cellar Limited  
C/- Boffa Miskell Ltd  
PO Box 110  
**CHRISTCHURCH**

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

Lake Hayes Cellar Limited ("**LHC**") makes further submissions on the Proposed Queenstown Lakes District Plan as set out in the **attached** document.

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

LHC wishes to be heard in support of its further submission.

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

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



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**Chris Ferguson**

For and behalf of Lake Hayes Cellar Limited

27<sup>th</sup> day of April 2018

**FURTHER SUBMISSIONS**

The submission supported or opposed is:	The particular parts of the submissions supported or opposed are:	Support or Oppose	The reasons for support/opposition are:
#2376 –Darby Planning LP	<i>Chapter 24</i>	Support	<p>The relief sought by the Submitter regarding Chapter 24 is supported as follows:</p> <ul style="list-style-type: none"> <li>• In the first instance, to withdraw Chapter 24 and associated changes from the PDP and undertake a thorough landscape study;</li> <li>• If the WBRAZ is retained, to amend the objectives, policies and rules of Chapters 24, 27, 3 and 6 so as to more accurately reflect the landscape qualities of the Basin, and to recognise and provide for reasonable development, commercial activities, and existing land use rights.</li> </ul> <p>The submission is supported because GSL shares the Submitters general concerns on the WBRAZ Variation regarding;</p> <ul style="list-style-type: none"> <li>• The timing and inefficiency of the DPR process for stages 1 and 2, which has resulted in unnecessary costs, delays and uncertainty for land owners and business owners;</li> <li>• The development of the Variation based on the WBLUS, which lacks specificity, objectivity and thorough landscaping analysis;</li> <li>• The method by which boundaries for and within the WBRAZ have been established, the assessment methodology for establishing LCUs, and the associated conclusions on the ability to absorb change.</li> <li>• The inability of the WBRAZ Variation to recognise and provide for reasonable development, commercial activities, and existing land use rights in the Basin.</li> </ul>
	<i>Chapter 21 Visitor Accommodation Variation</i>	Support	<p>The relief sought by the Submitter to delete changes to Chapter 21 in relation to visitor accommodation in the WBRAZ/Rural zones is supported.</p> <p>GSL shares the Submitter's concerns regarding further visitor accommodation restrictions within the WBRAZ/Rural zones and agrees that the effects of short term visitor accommodation within rural zones do not justify the proposed restrictions because:</p>

The submission supported or opposed is:	The particular parts of the submissions supported or opposed are:	Support or Oppose	The reasons for support/opposition are:
			<ul style="list-style-type: none"> <li>• The rural zone contributes comparatively little to housing stock across the district, therefore visitor accommodation in rural areas has little impact on availability of houses for residential living;</li> <li>• As rural housing is generally more expensive than urban housing, a reduction in residential capacity in the rural zone has little impact on housing affordability across the district;</li> <li>• The majority of short term accommodation is in urban areas;</li> <li>• Visitor accommodation in rural residences provides for the economic wellbeing of people and communities without having adverse effects on the rural environment.</li> </ul>
#2291 - Lake Hayes Investments Limited	<p><i>Chapter 24</i> <i>Planning Maps 13d, 26 and 30</i></p>	Support	<p>The relief sought in the submission to rezone the submitter's land (and surrounding Lake Hayes land) as set out in the original submission from WBRAZ to WBLP is supported, in so far as this is consistent with the relief from LHC to seek a cellar overlay precinct.</p>
#2314 – Stoneridge Estate Limited	<p><i>Chapter 24, Objective 24.2.2 and proposed policies 24.2.2.1-24.2.2.2, Objective 24.2.5, Policies 24.2.5.1-24.2.5.6</i></p> <p><i>Activity table 24.2; standards table 24.3</i></p> <p><i>Schedule 24.8</i></p> <p><i>Planning Maps 13d, 26 and 30.</i></p>	Support	<p>The relief sought in the submission to rezone the submitter's land (and surrounding Lake Hayes land) as set out in the original submission from WBRAZ to WBLP is supported, in so far as this is consistent with the relief from LHC to seek a cellar overlay precinct.</p> <p>Further amendments sought to the Precinct zone purpose, objectives 24.2.2 and proposed associated policies are supported so as to recognise and provide for rural living opportunities and diversification of rural land within the Precinct Zone.</p> <p>Activity table 24.2 is supported to provide for a controlled activity building and development regime where density requirements of the Precinct are met, or within approved building platforms. Revised standards in table 24.3 are supported as these largely seek to revert to an equivalent Operative Plan position.</p> <p>Amendments sought to Schedule 24.8 (landscape character unit 13) are supported, with the exception that the settlement patterns should also include a description of existing commercial and cellar door activities (such as the</p>

The submission supported or opposed is:	The particular parts of the submissions supported or opposed are:	Support or Oppose	The reasons for support/opposition are:
			LHC Site), as well as this being recognised a potential landscape opportunity / benefit associate with development.
#2315 – R G Dayman	<p><i>Chapter 24, Objective 24.2.2 and proposed policies 24.2.2.1-24.2.2.2,</i></p> <p><i>Objective 24.2.5, Policies 24.2.5.1-24.2.5.6</i></p> <p><i>Activity table 24.2; standards table 24.3</i></p> <p><i>Schedule 24.8</i></p> <p><i>Planning Maps 13d, 26 and 30.</i></p>	Support	<p>The relief sought in the submission to rezone the submitter's land (and surrounding Lake Hayes land) as set out in the original submission from WBRAZ to WBLP is supported, in so far as this is consistent with the relief from LHC to seek a cellar overlay precinct.</p> <p>Further amendments sought to the Precinct zone purpose, objectives 24.2.2 and proposed associated policies are supported so as to recognise and provide for rural living opportunities and diversification of rural land within the Precinct Zone.</p> <p>Activity table 24.2 is supported to provide for a controlled activity building and development regime where density requirements of the Precinct are met, or within approved building platforms. Revised standards in table 24.3 are supported as these largely seek to revert to an equivalent Operative Plan position.</p> <p>Amendments sought to Schedule 24.8 (landscape character unit 13) are supported, with the exception that the settlement patterns should also include a description of existing commercial and cellar door activities (such as the LHC Site), as well as this being recognised a potential landscape opportunity / benefit associate with development.</p>
#2316 – Tui Trustees (2015) Limited	<p><i>Chapter 24, Objective 24.2.2 and proposed policies 24.2.2.1-24.2.2.2,</i></p> <p><i>Objective 24.2.5, Policies 24.2.5.1-24.2.5.6</i></p> <p><i>Activity table 24.2; standards table 24.3</i></p> <p><i>Schedule 24.8</i></p> <p><i>Planning Maps 13d, 26 and 30.</i></p>	Support	<p>The relief sought in the submission to rezone the submitter's land (and surrounding Lake Hayes land) as set out in the original submission from WBRAZ to WBLP is supported, in so far as this is consistent with the relief from LHC to seek a cellar overlay precinct.</p> <p>Further amendments sought to the Precinct zone purpose, objectives 24.2.2 and proposed associated policies are supported so as to recognise and provide for rural living opportunities and diversification of rural land within the Precinct Zone.</p> <p>Activity table 24.2 is supported to provide for a controlled activity building and development regime where density requirements of the Precinct are met, or within approved building platforms. Revised standards in table 24.3 are</p>

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			<p>supported as these largely seek to revert to an equivalent Operative Plan position.</p> <p>Amendments sought to Schedule 24.8 (landscape character unit 13) are supported, with the exception that the settlement patterns should also include a description of existing commercial and cellar door activities (such as the LHC Site), as well as this being recognised a potential landscape opportunity / benefit associate with development.</p>
#2317 – Mandeville Trust & S Leck	<p><i>Chapter 24, Objective 24.2.2 and proposed policies 24.2.2.1-24.2.2.2, Objective 24.2.5, Policies 24.2.5.1-24.2.5.6</i></p> <p><i>Activity table 24.2; standards table 24.3</i></p> <p><i>Schedule 24.8</i></p> <p><i>Planning Maps 13d, 26 and 30.</i></p>	Support	<p>The relief sought in the submission to rezone the submitter's land (and surrounding Lake Hayes land) as set out in the original submission from WBRAZ to WBLP is supported, in so far as this is consistent with the relief from LHC to seek a cellar overlay precinct.</p> <p>Further amendments sought to the Precinct zone purpose, objectives 24.2.2 and proposed associated policies are supported so as to recognise and provide for rural living opportunities and diversification of rural land within the Precinct Zone.</p> <p>Activity table 24.2 is supported to provide for a controlled activity building and development regime where density requirements of the Precinct are met, or within approved building platforms. Revised standards in table 24.3 are supported as these largely seek to revert to an equivalent Operative Plan position.</p> <p>Amendments sought to Schedule 24.8 (landscape character unit 13) are supported, with the exception that the settlement patterns should also include a description of existing commercial and cellar door activities (such as the LHC Site), as well as this being recognised a potential landscape opportunity / benefit associate with development.</p>
#2318 – C Batchelor	<p><i>Chapter 24, Objective 24.2.2 and proposed policies 24.2.2.1-24.2.2.2, Objective 24.2.5, Policies 24.2.5.1-24.2.5.6</i></p>	Support	<p>The relief sought in the submission to rezone the submitter's land (and surrounding Lake Hayes land) as set out in the original submission from WBRAZ to WBLP is supported, in so far as this is consistent with the relief from LHC to seek a cellar overlay precinct.</p> <p>Further amendments sought to the Precinct zone purpose, objectives 24.2.2 and proposed associated policies are supported so as to recognise and</p>

The submission supported or opposed is:	The particular parts of the submissions supported or opposed are:	Support or Oppose	The reasons for support/opposition are:
	<p><i>Activity table 24.2; standards table 24.3</i></p> <p><i>Schedule 24.8</i></p> <p><i>Planning Maps 13d, 26 and 30.</i></p>		<p>provide for rural living opportunities and diversification of rural land within the Precinct Zone.</p> <p>Activity table 24.2 is supported to provide for a controlled activity building and development regime where density requirements of the Precinct are met, or within approved building platforms. Revised standards in table 24.3 are supported as these largely seek to revert to an equivalent Operative Plan position.</p> <p>Amendments sought to Schedule 24.8 (landscape character unit 13) are supported, with the exception that the settlement patterns should also include a description of existing commercial and cellar door activities (such as the LHC Site), as well as this being recognised a potential landscape opportunity / benefit associate with development.</p>
#2319 – DD and JC Duncan	<p><i>Chapter 24, Objective 24.2.2 and proposed policies 24.2.2.1-24.2.2.2,</i></p> <p><i>Objective 24.2.5, Policies 24.2.5.1-24.2.5.6</i></p> <p><i>Activity table 24.2; standards table 24.3</i></p> <p><i>Schedule 24.8</i></p> <p><i>Planning Maps 13d, 26 and 30.</i></p>	Support	<p>The relief sought in the submission to rezone the submitter's land (and surrounding Lake Hayes land) as set out in the original submission from WBRAZ to WBLP is supported, in so far as this is consistent with the relief from LHC to seek a cellar overlay precinct.</p> <p>Further amendments sought to the Precinct zone purpose, objectives 24.2.2 and proposed associated policies are supported so as to recognise and provide for rural living opportunities and diversification of rural land within the Precinct Zone.</p> <p>Activity table 24.2 is supported to provide for a controlled activity building and development regime where density requirements of the Precinct are met, or within approved building platforms. Revised standards in table 24.3 are supported as these largely seek to revert to an equivalent Operative Plan position.</p> <p>Amendments sought to Schedule 24.8 (landscape character unit 13) are supported, with the exception that the settlement patterns should also include a description of existing commercial and cellar door activities (such as the LHC Site), as well as this being recognised a potential landscape opportunity / benefit associate with development.</p>

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#2231 - Bruce McLeod	<p><i>Chapter 24</i></p> <p><i>Planning Maps 13d, 26 and 30</i></p> <p>Landscape Character Unit 13</p>	Support	<p>The relief sought in the Submission to retain the ODP zoning of the land within LCU 13 as Rural Residential is supported, in so far as this is consistent with the relief from LHC to seek a cellar overlay precinct.</p>
#2449 - Morven Ferry Limited	<p><i>Chapter 24, chapters 3, 6, 27</i></p>	Support	<p>The relief sought to amend chapters 3 and 6 as a consequence of amendments to the chapter 24 variation are supported so as to ensure that higher order provisions in the plan are aligned with lower order chapters, and that the entire plan is considered in the round, as the review was anticipated to achieve.</p> <p>Appendices 1 and 2 of the submission set out various amendments to the chapter 24 provisions, including objectives, policies, rules and standards. These amendments are generally supported so as to recognised and provide for rural living and development within Precinct Zones, and to provide for development within those areas identified as having ability to absorb change in particular landscape classification units. Amendments to chapter 27 are supported to provide for a default controlled activity subdivision regime, subject to standards.</p>
#2358 New Zealand Transport Agency	<p><i>Chapter 31</i></p>	Oppose	<p>The relief to amend objective 31.2.6 to discourage off site signs is opposed for rural and Precinct areas. In some locations, appropriately designed signs are suitable for the amenity of the location and do not adversely affect road safety functioning.</p>
	<p><i>Chapter 31</i></p>	Oppose	<p>Proposed new rule 31.6.12 is supported in part, however the requirement to locate a new sign at least 200m from an official sign in the rural area may be unreasonably unworkable in areas such as the Amisfield Site.</p>