

Appendix B - A copy of the Appellant's submission and further submissions

Submitter Details

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Trade competition and adverse effects:

I could I could not

gain an advantage in trade competition through this submission

I am I am not

directly affected by an effect of the subject matter of the submission that :

a. adversely affects the environment, and

b. does not relate to the trade competition or the effects of trade competitions.

Wishes to be heard:

Yes

No

Preferred hearing location:

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> Ch 1 -
Introduction | <input type="checkbox"/> Ch 2 - Definitions | <input type="checkbox"/> Ch 3 - Strategic
Direction | <input type="checkbox"/> Ch 4 - Urban
Development |
| <input type="checkbox"/> Ch 5 - Tangata
Whenua | <input type="checkbox"/> Ch 6 - Landscape | <input type="checkbox"/> Ch 7 - Low
Density Residential | <input type="checkbox"/> Ch 8 - Medium Density
Residential |
| <input type="checkbox"/> Ch 9 - High
Density
Residential | <input type="checkbox"/> Ch 10 - Arrowtown
Residential Historic
Management Zone | <input type="checkbox"/> Ch 11 - Large Lot
Residential | <input type="checkbox"/> Ch 12 - Queenstown
Town Centre |
| <input type="checkbox"/> Ch 13 - Wanaka
Town Centre | <input type="checkbox"/> Ch 14 - Arrowtown Town
Centre | <input type="checkbox"/> Ch 15 - Local
Shopping Centres | <input type="checkbox"/> Ch 16 - Business
Mixed Use Zone |
| <input type="checkbox"/> Ch 17 -
Queenstown
Airport Mixed Use | <input type="checkbox"/> Ch 21 - Rural Zone | <input checked="" type="checkbox"/> Ch 22 - Rural
Residential and
Rural Lifestyle | <input type="checkbox"/> Ch 23 - Gibbston
Character Zone |
| <input type="checkbox"/> Ch 26 - Historic
Heritage | <input type="checkbox"/> Ch 27 - Subdivision and
Development | <input type="checkbox"/> Ch 28 - Natural
Hazards | <input type="checkbox"/> Ch 30 - Energy and
Utilities |
| <input type="checkbox"/> Ch 32 -
Protected Trees | <input type="checkbox"/> Ch 33 - Indigenous
Vegetation and
Biodiversity | <input type="checkbox"/> Ch 34 - Wilding
Exotic Trees | <input type="checkbox"/> Ch 35 - Temporary
Activities and Relocated
Buildings |
| <input type="checkbox"/> Ch 36 - Noise | <input type="checkbox"/> Ch 37 - Designations | <input type="checkbox"/> Ch 41 - Jacks
Point Zone | <input type="checkbox"/> Ch 42 - Waterfall Park |
| <input type="checkbox"/> Ch 43 -
Millbrook Resort
Zone | | | |

Submission

Consultation Document Submissions

Part Four - Rural Environment > 22 Rural Residential and Rural Lifestyle > 22.2 Objectives and Policies > 22.2.1 Objective 1

- Support
- Oppose
- Other - Please clearly indicate your position in your submission below

I seek the following decision

My submission is

We support the inclusion of Objective 22.2.1.3, which is to provide for flexibility of density provisions to enable design-led and innovative patterns of subdivision and residential development in the Rural Residential Zone. There is evidence in the District that the impact of strict adherence to the previous plan rule of one dwelling per 4,000 m² lot (in a physical sense) has led to sub-optimal outcomes in some instances by requiring a series of 'boxes' reminiscent of low density residential subdivision, rather than promoting clusters of housing in the most suitable area of the overall property (in terms of visual and landscape amenity) complemented by larger areas of open space in more sensitive areas.

Part Four - Rural Environment > 22 Rural Residential and Rural Lifestyle > 22.2 Objectives and Policies > 22.2.2 Objective 2

- Support
- Oppose
- Other - Please clearly indicate your position in your submission below

I seek the following decision

That the wording of policy 22.2.2.1 be amended to read: 'Provide for residential and farming as permitted activities, and recognise that depending on the location, scale and type, community activities may be compatible with and enhance the Rural Residential and Rural Lifestyle zones where these primarily benefit the local community'.

My submission is

We are concerned that policy 22.2.2.1 will promote the establishment of 'community activities' (which are very extensively defined in Part 1 of the Proposed Plan and include schools, police stations, churches and other such activities) that may have, depending on their scale and compatibility, significant adverse effects on the rural amenity, traffic flows and visual and landscape character that is anticipated in the Rural Residential and Rural Lifestyle zones. Such activities in many instances may have far greater adverse effects on rural amenity than commercial or visitor accommodation activities (which are discouraged in the Proposed Plan), as they tend to act as a magnet for further intensification of residential activities, and may, in turn, lead to the development of semi-urban nodes over time. Accordingly the level of control of these activities needs to be tightly focused. The policy should explicitly recognise that any 'community activity' that is proposed should primarily be for the benefit of the adjacent farming and residential community, and should not encourage activities that are designed to take advantage of the rural amenity and character of the area without any demonstrable benefit to the local community.

Part Four - Rural Environment > 22 Rural Residential and Rural Lifestyle > 22.4 Rules - Activities

- Support
- Oppose
- Other - Please clearly indicate your position in your submission below

I seek the following decision

That assessment criteria be included in the Proposed Plan to ensure that any Community Activity proposed to be located in the Rural Residential and Lifestyle zone must be for the principal benefit of the local community and that any such benefit be clearly identifiable and demonstrable.

My submission is

We support the Rules in Table 1, and in particular Rule 22.4.12 which provides that community activities are to be assessed as Discretionary Activities. However, in our view assessment criteria are required to ensure that any Community Activity must be for the principal benefit of the local community and that the benefits be clearly identified and demonstrated.

Part Four - Rural Environment > 22 Rural Residential and Rural Lifestyle > 22.5 Rules - Standards > Table 2

- Support
- Oppose
- Other - Please clearly indicate your position in your submission below

I seek the following decision

That EITHER (in order of preference): The Standard be deleted and the former Controlled Activity status be retained for all buildings, irrespective of size; OR The Standard be retained but that: (i) Any building over 500m² be assessed as a Controlled Activity (C), with the first 3 matters of discretion retained as matters of control; and (ii) That the 4th bullet point 'Building design and reasons for the the size' be deleted; If neither of these alternatives is acceptable, at a very minimum the 4th bullet point should be deleted.

My submission is

We oppose Rule 22.5.3. Although the Rule appears to be designed to remove the existing requirement for a Controlled Activity consent, and hence to simplify procedure and reduce cost to the Applicant, this outcome is highly unlikely to be achieved due to the unreasonable scale of building permitted (500m²). Non-compliance in respect of buildings that exceed 500m², which is proposed to be a Restricted Discretionary activity, is much more onerous than the former Controlled Activity status, and hence is opposed. In our view the 500m² size of building permitted is arbitrary, is not based on any sound resource management principles, and does not appear to be based on any objectively verifiable information or material. In our experience buildings of a much greater size than 500m² can be accommodated in this Zone without compromising the visual amenity and character of the surrounding area, or neighbouring properties, that the zone is intended to maintain and enhance. Similarly, on some sites a building of less than 500m² may generate significant adverse effects as a result of poor design and spatial orientation, and lack of sympathy with the topography. Plainly the size of building that can be accommodated is a function of the site, its topography and visual sensitivity to neighbouring properties and public places, and should not be the subject of an arbitrary rule without some oversight. It is also concerning that the Rule appears to be designed to act as a very firm brake on houses over 500m² for reasons of social policy, rather than for sound resource management reasons. The inclusion of a discretion relating to building design and 'reasons for the size' is a clear indicator of this. No guidance has been given as to what 'reasons' may or may not be relevant or acceptable in this context, and hence this part of the rule is likely to be struck down by the courts for arbitrariness and irrelevance as a criterion for decision-making (on well established principles of administrative law). Given the history of building in this District, there is no evidence that the former regime of Controlled Activity consent for larger houses was inadequate to protect the the rural character and amenity that this Zone promotes. The inclusion of a size limit on buildings for what appears to be primarily reasons of social policy, that have neither been explained nor substantiated, is unwarranted in this Zone where land is sold at a premium and, as a result, buildings are generally of a very high design quality to maintain or enhance the overall investment in the property. In our view, the 4th bullet point is arbitrary and unwarranted, and should be deleted. We submit that the previous approach of Controlled Activity status be retained, or, as an alternative, that the proposed Restricted Discretionary status be changed to Controlled Activity status for buildings over 500m² and the 4th bullet point be deleted.

Part Four - Rural Environment > 22 Rural Residential and Rural Lifestyle > 22.5 Rules - Standards > Table 2

- Support
- Oppose
- Other - Please clearly indicate your position in your submission below

I seek the following decision

That Standard 22.5.11 explicitly gives effect to Policy 22.2.1.3 to avoid any ambiguity.

My submission is

In our view Standard 22.5.11 requires clarification as to whether a site that is say 12,000m² may have 3 residential houses that are concentrated in say 4,000 m² of the site, with the balance to be retained as open (landscaped) space, so as to give effect to Policy 22.1.1.3. Currently the wording is ambiguous in this respect, and there is a concern that it may be interpreted literally, which would result in a return to past (poor) practice.

Part Four - Rural Environment > 22 Rural Residential and Rural Lifestyle > 22.6 Non-Notification of Applications

- Support
- Oppose
- Other - Please clearly indicate your position in your submission below

I seek the following decision

A further Rule should be inserted to require non-notification of any applications that breach Standard 22.5.3 if Controlled Activity status is reinstated in accordance with our submission on this point above (which would then require an appropriate supporting Rule to be inserted in Table 1).

My submission is

A further Rule should be inserted to require non-notification of any applications that breach Standard 22.5.3 if Controlled Activity status is reinstated in accordance with our submission on this point above.

Part Seven - Maps > Map 26 - Speargrass Flat, Millbrook

- Support
- Oppose
- Other - Please clearly indicate your position in your submission below

I seek the following decision

That the whole of the property located at 418 Speargrass Flat Road, [insert legal description] which is currently arbitrarily split-zoned Rural Residential and Rural General, be zoned Rural Residential in its entirety on Map 26.

My submission is

We oppose the retention of the split-zoning of our property located at Speight Gardens, 418 Speargrass Flat Road, into Rural Residential and Rural General, which is indicated on this map, and submit that the whole of the property (which, importantly, comprises one legal parcel) should be zoned Rural Residential for the following reasons: 1. The entire property has been extensively landscaped as a formal garden over a period of 30 years, is highly domesticated and does not retain any vestiges of rural general character. The smaller part of the site split-zoned Rural General is currently largely planted in mature trees (including fruit trees), and contains a lower grassed and mowed terrace adjacent to the rural residential boundary (on which a tractor shed and workshop is located) that is not visible from either neighbouring properties or public roads. Part of our existing home and adjacent garages appear to be 'technically' located in the rural general part of the site and are also not visible from neighbouring properties or public places. The land zoned Rural General is indistinguishable in character from the balance of the rural residential property, which has been extensively domestically modified and contains significant elements of built form. 2. The present zoning is arbitrary (it is essentially a straight line drawn on a map between the boundaries of the neighbouring properties) and does not represent the natural contour and character of the land. The rear boundary of our property encompasses a small natural 'valley' that follows the base of the hill and which is wholly located on our land. The legal boundary with the rural general land to the south, which currently comprises a working deer farm, is fenced and is plainly distinguishable in both a topographical and a landscape and visual amenity sense from our heavily treed valley property. Accordingly, in our submission the legal property boundary is a more natural and logical demarcation of the two Zones than the present arbitrary line in both physical and topographical terms. 3. Any rural residential development on the part of the site currently proposed to be zoned rural general would not be visible from either neighbouring properties or public places. Partly as a result of the extensive 30 year old landscaping on the rural general part of the site, any new buildings, which would necessarily be confined to the lower terrace in any event, would essentially be invisible from outside the property. Accordingly, any development in the part of the site currently zoned rural general would be entirely consistent with Objective 22.2.1 and its associated policies,

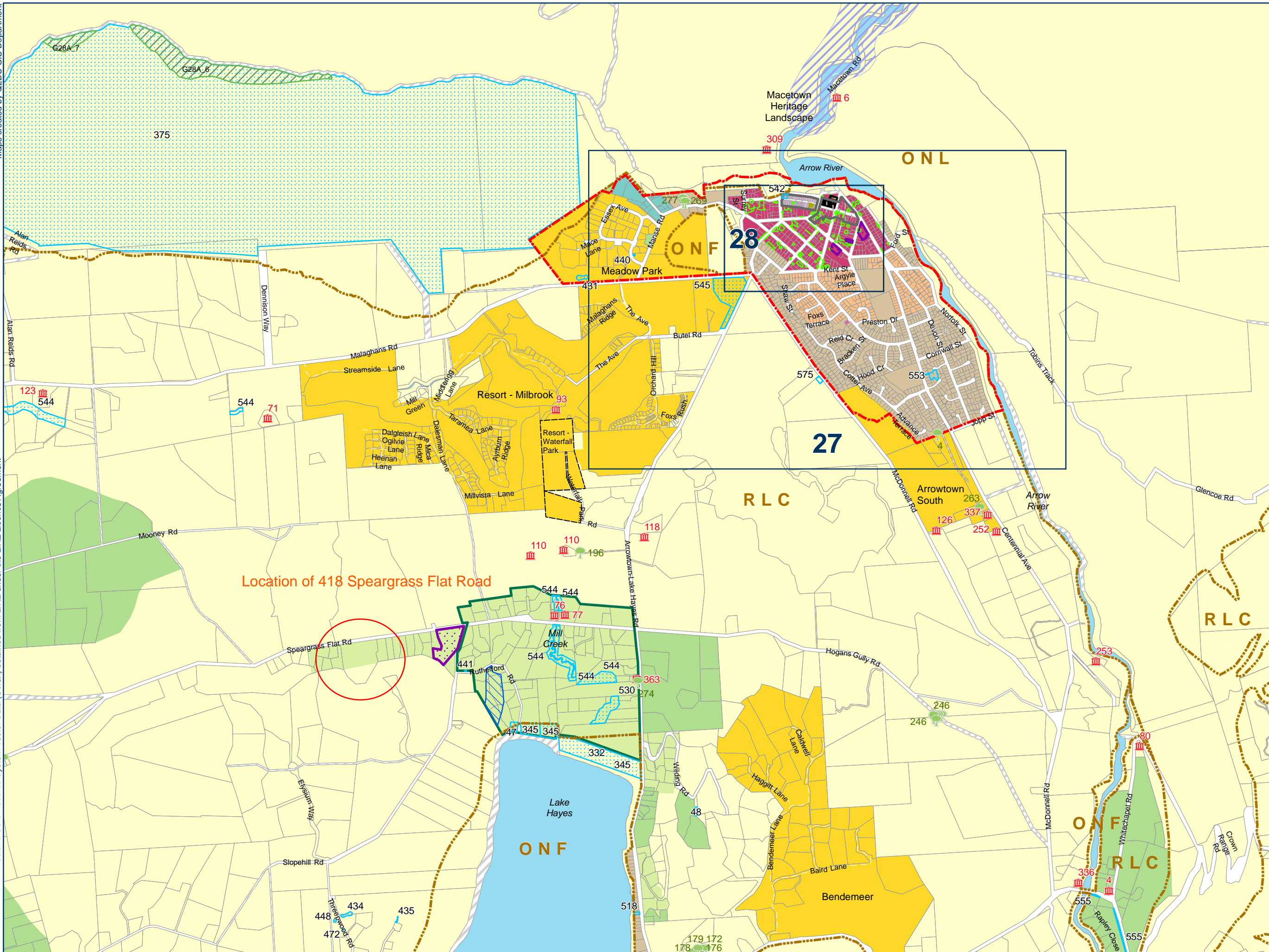
and would promote the Zone Purpose for the Rural Residential zone. 4. The zone boundary currently appears to cut across a corner of our exiting home (established in 1984). The garages, which are adjacent to the house but in a separate building, are also technically located in the Rural General part of the property. If the split zoning was to be retained, any alterations to the parts of the buildings in the rural general area would be unnecessarily complicated, as due to the age of the buildings there has been no requirement to date for a building platform. This would seem unnecessary and would create an unfair burden in all of the circumstances.

Attached Documents

File
Map-26-Speargrass-FlatMillbrook-2 M and J Taylor Submission

Maps created by QLDC GIS Department

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



Location of 418 Speargrass Flat Road

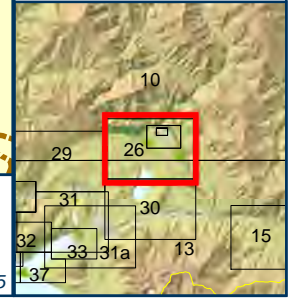
- Legend**
- Historic Heritage Features
 - Protected Tree
 - Parcel/Road Boundary
 - Landscape Classification (ONF, ONL, RLC)
 - Urban Growth Boundary
 - Arrowtown Character Tree
 - Heritage Landscape
 - Significant Natural Area
 - Unformed Roads
 - Historic Heritage Precinct
 - Designated Areas
 - Visitor Accommodation Sub-Zone
 - Building Restriction
 - Heritage Protection Order
 - Rural Residential Sub-Zone
 - Town Centre Transition Overlay
 - Medium Density Residential
 - Low Density Residential
 - Town Centres (Operative)
 - Local Shopping Centre
 - Arrowtown Special Character Area
 - Industrial A Zone (Operative)
 - Rural
 - Rural Residential
 - Rural Lifestyle
 - Special Zones
 - Water



Proposed District Plan Map 26 - Speargrass Flat, Millbrook



Date Published: 26/08/2015



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