

SUBMISSION ON A PUBLICLY NOTIFIED PROPOSAL FOR PLAN

Clause 6 of First Schedule, Resource Management Act 1991

TO: Queenstown Lakes District Council ("**Council**")

SUBMISSION ON: Stage 3 of the Proposed Queenstown Lakes District Plan

SUBMITTER: Ken Muir ("**Submitter**")

Background

1. The Submitter is an appellant in respect of certain decisions ("**Appeal**") in respect of Stage 1 of the Queenstown Lakes District Proposed District Plan ("**PDP**").
2. The Appeal relates to the zoning of the Sugar Lane area as identified on the following plan as "Area for rezoning", and in particular its zoning as Lower Density Suburban Residential ("**LDSR**") zoning instead of Business Mixed Use ("**BMU**") zoning:



3. The Appeal has been to mediation and progress continues to be made towards resolving the Appeal.

No prohibited trade competition purposes

4. The Submitter is not a trade competitor for the purposes of Section 308D of the Act.

Extent of interest

5. The Submitter is interested in all aspects of the Stage 3, to the extent that it may impact on the Submitter's interests in its Appeal, and the land to which the Appeal relates, but is interested in particular in:

- (a) Chapter 39 – Wāhi Tūpuna, together with all consequential or associated amendments to the PDP (“**wāhi tūpuna provisions**”); and
- (b) the proposed Business Mixed Use Design Guide.

Wāhi tūpuna provisions

6. Chapter 39 seeks to implement the strategic direction of Chapter 5 by:
- (a) identifying specific wāhi tūpuna areas with an overlay on the planning maps;
- (b) setting out objectives and policies relating to subdivision, use and development within this overlay; and
- (c) identifying recognised threats that may be incompatible with values for each specific area in Schedule 39.6 to the PDP.
7. Part of the land to which the Submitter's Appeal relates is identified in the wāhi tūpuna overlay as an “Whakatipu-wai-Māori”. This is listed at row 33 of proposed Table 39.6 Schedule of Wāhi Tūpuna, which states:

#	Names	Values	Description of sites included in this area	Recognised Threats
7.	Whakatipu-wai-Māori (Lake Whakatipu)	Wāhi taoka, mahika kai, ara tawhito	Whakatipu-wai-Māori	a. Damming, activities affecting water quality b. Buildings and structures, utilities c. Earthworks

				<p>d. Subdivision and development</p> <p>e. New roads or additions/alterations to existing roads, vehicle tracks and driveways</p> <p>f. Commercial and commercial recreational activities</p>
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8. Under the proposed provisions any building or structure, or Earthworks¹ on the Site will require consent as a restricted discretionary activity with discretion restricted to “Effects on cultural values of Manawhenua”.

9. The location of the wāhi tupuna overlay in respect of the Appeal land is shown below. Only small portions of the Appeal land are included. As the land is already developed, and fronts onto road reserve, it would be most appropriate to have the overlay follow the Road Boundary, and not fall onto the Appeal land.



Proposed Business Mixed Use Design Guide

10. As recorded above, the Submitter’s Appeal seeks the rezoning of land to BMU rather than LDSR.

¹ Although possibly not under 10 m³; the rules are not entirely clear.

11. If that appeal is successful, then the proposed Business Mixed Use Design Guide (“**Design Guide**”) will apply to land that the Submitter has an interest in.
12. As the Design Guide states, the purpose of the BMU is to provide for a range of complementary activities that are supplementary to the established town centres of Queenstown and Wanaka. The Design Guide further states:

This design guide is intended to complement and assist in the interpretation of the District Plan. To this end, the Council will use this guide under section 104(1)(c) of the Resource Management Act to help it assess and make decisions on resource consent applications

13. It is inevitable that resource consents will be required for the development (or redevelopment) of the land subject to the Submitter’s Appeal. Therefore the Design Guide will be of significance in how the Council assesses and makes decisions on any applications that are made.

Nature of submission

14. The submission relates to:

Wāhi tūpuna provisions

- (a) The entirety of Chapter 39 – Wāhi Tūpuna, together with all consequential or associated amendments to the PDP, ie all wāhi tūpuna provisions.
- (b) The Submitter is particularly concerned that the wāhi tūpuna provisions introduce unnecessary and onerous consent requirements, at least in their current form.
- (c) The Submitter opposes all the wāhi tūpuna provisions, at least in their current form.
- (d) The Submitter opposes the wāhi tūpuna overlay being identified on the Appeal land.

Proposed Business Mixed Use Design Guide

- (e) The entirety of the proposed Design Guide, together with all provisions in the PDP that refer to it or otherwise require it to be considered in any consent application.
- (f) The Submitter is particularly concerned that Design Guide is unnecessarily onerous and / or will not facilitate design flexibility and innovation in ways not envisaged by the Design Guide, but which would still achieve an appropriate (or

better) urban design outcome.

- (g) The Submitter opposes the Design Guide, at least in its current form.

Reasons for submission

15. The general reasons that the Submitter opposes the provisions are that, in their current form, they:
- (a) will not implement and/or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and
 - (b) are otherwise inconsistent with and/or will not achieve the purpose of the Act and the other provisions of Part 2 of the Act; and
 - (c) fail to meet the requirements of section 32 of the Act.
16. Without limiting the generality of the above, the provisions, if adopted, may undermine the ability of the Submitter to develop land rezoned to BMU in a way which will achieve the sustainable management of resources. They have the potential to introduce costs and complexities that are inefficient and ineffective in respect of achieving the purpose of the Act.

Decision sought

17. The Submitter seeks the following decision:
- (a) The wāhi tūpuna and Design Guide provisions be rejected, and in particular the wāhi tūpuna overlay be removed from the Appeal land, and instead follow the road reserve.
 - (b) In the alternative, the provisions be modified so as to meet the various concerns of the Submitter as raised in its submission, and to otherwise achieve the purpose of the Act.
18. The Submitter wishes to be heard in support of this submission.
19. If others make a similar submission consideration the Trust would consider presenting a joint case with them at any hearing.

DATED 18 November 2019



J D K Gardner-Hopkins
Counsel for the Submitter

The Submitter's address for service is C/- James Gardner-Hopkins, Barrister, PO Box 25-160, Wellington 6011.

Documents for service on the Submitter may be sent to that address for service or may be emailed to james@jghbarrister.com. Service by email is preferred, with receipt confirmed by return email.