

FORM 5

SUBMISSION ON PROPOSED DISTRICT PLAN

Clause 6 of Schedule 1, Resource Management Act 1991

To: Queenstown-Lakes District Council

Submitter Details:

Name of submitter: **Wakatipu Investments Limited (WIL)**

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1. **This is a submission on the Variation 1 (Wakatipu Basin Zone) of the Proposed Queenstown Lakes District Plan.**

2. **Trade Competition**

The submitter could not gain an advantage in trade competition through this submission.

3. **Omitted**

4. **The submission addresses the following points and provisions within the Proposed District Plan:**

The entire variation.

5. **Our submission is:**

In general, we support the intent of the Wakatipu Basin Rural Amenity Zone (**WBRAZ**) and the Wakatipu Basin Lifestyle Precinct (**WBLP**), however find reading through the zone to be difficult, confusing and contradictory.

We submit that the Variation should be amended to have a distinct vision for the WBRAZ and a distinct vision for the WBLP. These two zones should be sub-zones of the overarching Wakatipu Basin Zone (WBZ).

The Objectives, Policies and Assessment Matters of the WBZ should reflect the visions of the two sub-zones.

The table attached to this submission details the specific changes sought to achieve this submission.

For the purposes of this submission, WPL (or its directors or related entities) own or have an interest in land within the WBLP zone as follows:

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| Within the Fitzpatrick Basin | LOT 1 DP 300014 |
| Landscape Unit | LOT 3 DP 21680 |
| | LOT 301 DP 503594 |
| | LOT 1 DP 26630 |
| | LOT 2 DP 300351 |

6. I seek the following decision from the local authority:

Refer to Table 1 attached.

7. I wish to be heard in support of our submission.

8. If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter

(or person authorised to sign

on behalf of submitter)



Table 1. Specific Changes.

| Provision | | Submission | Decision requested |
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| 24.1 Zone Purpose | Oppose | This Zone Purpose describes in detail the purpose of the Wakatipu Basin Rural Amenity Zone (WBRAZ), but does not state in any detail what the purpose of the Wakatipu Basin Lifestyle Precinct (WBLP) is and how this relates to the WBRAZ. The first sentence in this purpose defined the WBRAZ as “the Zone” and WBLP as “the Precinct”. That implies they are separate zones (which is reflected in the planning maps). However, provision 24.3.3.1 implies the WBLP is a sub-zone of the WBRAZ. However, this is not clear in the zone purpose and is thus confusing. | Amend the Zone Purpose to have a distinct vision for the WBRAZ and a distinct vision for the WBLP. These two zones should be sub-zones of the overarching Wakatipu Basin Zone (WBZ). Or alternatively, separate these two zones into separate chapters. |
| 24.2 | Oppose | The introduction to this section states that Objectives 24.2.1 to 24.2.4 and related policies apply to the Zone and Precinct and Objective 24.2.5 and related policies apply to the Precinct only. We submit that some of the 24.2.1 policies are inconsistent with 24.2.5 Policies under. For example, 24.2.1.6 seeks to ensure non-residential activities avoid adverse effects on landscape character and visual amenity values, yet Policy 24.2.5.3 provides for non-residential activities, including restaurants, visitor accommodation and commercial recreation activities while ensuring these are appropriately located and of a scale and intensity that ensure s the amenity, quality and character of the Precinct is retained. | Delete this introductory section (assuming remainder of submission is accepted). |
| Objective 24.2.1 | Oppose | It is understood that this Objective relates to both the WBRAZ and the WBLP. This creates confusion with respect to it applicability to WBLP | Avoid inconsistencies by making Objective 1 specific to the WBRAZ. |

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| | | under Objective 24.2.5 as they seek to achieve different things. The word “landscape” should also be followed by the word “character” consistent with the associated policies. | Add the word “character” after “landscape”. |
| Policy 24.2.1.1 | Oppose | <p>Policy 24.2.1.1 implies that the minimum and average lot sizes in the WBRAZ and the WBLP protect landscape character and visual amenity. It is submitted that this statement is incorrect as there is no average lot size applicable to the WBRAZ.</p> <p>It is also submitted that this policy is inconsistent with policy 24.2.5.2 which promotes a design-led and innovative patterns of subdivision and development in the WBLP. Traditionally minimum lot sizes and average lot sizes have not resulted in innovative patterns of development.</p> | <p>Reword to be specific to the WBRAZ and delete reference to average lot sizes.</p> <p>Add a similar policy to Objective 5 for the WBLP.</p> |
| Policy 24.2.1.3 | Oppose | As discussed above. | Reword to be specific to the WBRAZ by deleting reference to Wakatipu Basin. Add the word “protect”. |
| Policies 24.2.1.4 - 8 | Oppose | As discussed above. | <p>Reword policies to be specific to the WBRAZ.</p> <p>Add a similar policy to Objective 5 for the WBLP.</p> |
| Policy 24.2.1.10 | Part Support. | We support the provision of walkway and cycleways, but not necessarily all bridal paths which should be limited to appropriate areas. | <p>Amend Policy 24.2.1.10 to limit bridal paths to appropriate areas.</p> <p>Add a similar policy to Objective 5 for the WBLP.</p> |

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| Objective 24.2.5 | Oppose | It is unlikely the landscape character and visual amenity values of the precinct will be “maintained and enhanced” with increased rural residential living opportunities. The landscape character and visual amenity values of the WBLP are more likely to change over time. | Amend Objective 24.2.5 acknowledge the landscape character and visual amenity values of the WBLP will change over time. |
| Policy 24.2.5.1 | Support | Rural residential subdivision, use and development is unlikely to protect, maintain and enhance the landscape and visual amenity values as described in Schedule 24.8. This policy needs to be amended to acknowledge that development will change those characteristics over time. | Amend Policy 24.2.5.1 to recognise that the landscape and visual amenity values as described in Schedule 24.8 will change over time. |
| Policy 24.2.5.2 | Support | We support the promotion of design-led and innovative patterns of subdivision and development but question how this is to maintain and enhance the landscape character and visual amenity values of the Wakatipu Basin overall. | Amend Policy 24.2.5.2 to be specific to the WBLP only. |
| Policy 24.2.5.3 | Support | We support this policy as it enables non-residential activities in the WBLP. | Retain Policy 24.2.5.3. |
| Policy 24.2.5.4 | Support | We support this policy as a means to control cumulative effects in the WBLP. | Retain Policy 24.2.5.4. |
| Rule 24.3.2.3 | Oppose | The intent of this submission is to give greater recognition to approved/registered building platforms and certainty to owners (and neighbours) that have bought properties with approved /registered building platforms. This section is inconsistent with that intent. | Delete Rule 24.3.2.3. Rely on RMA for any variations to past consents or consent notices. |
| Rule 24.3.3.1 | Support | As stated with respect to the zone purpose above, the relationship between the WBRAZ and the WBLP is unclear. This statement, which called the WBLP a sub-zone for the first time, adds to that confusion. | Make any consequential amendment as a result of these submissions. |

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| Rule 24.4.1 | Oppose | Table 24.3 are standards, not listed activities. This rule should be amended to reflect this. | Amend Rule 24.4.1 to make it clear that that Table 24.3 are standards, not listed activities. |
| Rule 24.4.5 | Oppose | <p>We submit that requiring a restricted discretionary activity resource consent to construct a building within an approved /registered building platform area is an ineffective and inefficient method as its duplicates the resource consent to identify the building platform in the first place. We also submit it creates uncertainty for purchasers of a property with an approved/registered building platform as to whether they can build on their property. We submit that the construction a building within an approved /registered building platform should be at most a controlled activity (noting Stage 1 of the PDP suggested permitted activity).</p> <p>We agree that the construction of new buildings on a site that does not have an approved/registered building platform should be a restricted discretionary activity in respect of the matters listed.</p> <p>We also submit that this rule should be extended to include the identification of a residential building platform as a land-use consent as the ODP does. This is particularly important for vacant rural blocks where a landowner wishes to identify a building site, but not go to the expense of designing a building. We submit the identification of a building platform to be registered on the title should be the same status as identifying a</p> | <p>Split Rule 24.4.5 into three separate rules as follows:</p> <ol style="list-style-type: none"> 1. Controlled Activity resource consent for the construction of buildings within approved/registered building platforms; and 2. Restricted Discretionary Activity resource consent for the construction of a building not within an approved/registered building platform; and 3. Restricted Discretionary Activity resource consent for the identification of a building platform as a land-use consent. |

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| | | building platform at the time of subdivision (i.e. restricted discretionary activity) as the effects of such is the same. | |
| Rule 24.4.8 | Support. | We support this standard as it enables the construction of small farm buildings. We submit it should be clarified that this is anticipated to occur outside of an approved/registered building platform (or otherwise). | Retain Rule 24.4.8 with clarification. |
| Rule 24.4.8 | Support | Support informal airports requiring a Discretionary Activity resource consent within the WBLP. | Retain Rule 24.4.8. |
| Rule 24.4.29. | Oppose | There is no justification for the protection of exotic vegetation. The High Court has found in the past that blanket rules such as this protecting vegetation were unlawful. | Delete Rule 24.4.29. |
| Standards 24.5.1, 24.5.2 – 24.5.6. | Oppose | <p>We submit that if the construction of all buildings is to retain a restricted discretionary activity status then there is no need to retain standards relating to things such as building coverage, setbacks and height. Such standards are therefore unnecessary and should be deleted.</p> <p>We also submit that such standards need not apply to the construction of buildings within approved/registered building platforms as such matters would have been considered in the original approval of such platform.</p> | Delete Standard 24.5.1, 24.5.2 – 24.5.8. |
| 24.5.3 Height of Buildings. | Support | <p>We support this height standard, but suggest that non-compliance status should be a Discretionary Activity.</p> <p>We note our support is conditional on Stage 1 definitions of Height.</p> | Retain Rule 24.5.3 Height of Buildings, but make non-complying status a Discretionary Activity. |

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| Standard 24.5.8 Farm Buildings. | Support | <p>We support this standard as it enables the construction of small farm buildings. We submit it should be made clear that this may occur outside of an approved/registered building platform.</p> <p>Add standards to this rule that we have sought be deleted in relation to discretionary buildings (such as setback from boundaries etc) to this standard.</p> | <p>1. Retain Standard 24.5.8.</p> <p>2. Consequential amendments as submitted.</p> |
| Standard 24.5.13 Glare. | Support | We support this standard. | Retain Standard 24.5.13. |
| Standard 24.5.24. | Support | We support this rule for the reason that the amenity effects of aircraft use within 500m of any other zone or notional boundary of any residential dwelling not located on the same site will be adverse and should be regulated. | Retain Standard 24.5.24. |
| Rule 24.6. | Support | It is submitted that this rule is meaningless if all buildings are to be a restricted discretionary activity under Rule 24.4.5. | Delete Rule 24.6 if all buildings are to remain a restricted discretionary activity. |
| Provision 24.7.2. | Oppose | It is submitted that this rule may introduce discretions wider than the discretion the rule in question is restricted to. This rule effectively is trying to achieve a quasi “non-complying threshold test” for restricted discretionary activities. It is submitted that that is ultra vires and this rule should accordingly be deleted. | Delete Rule 24.7.2. |

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| Assessment Matter 24.7 | Oppose | <p>We submit this assessment matter should redrafted to be specific to the WBRAZ and the WBLP as those zones seek to achieve different outcomes.</p> <p>We also submit that consequential amendments/deletions should be made to the assessment matters in accordance with this submission.</p> | <p>Redraft specific to WBRAZ and the WBLP.</p> <p>Consequential amendments/deletion in accordance with this submission.</p> |
| Schedule 24.8 Landscape Character Units | Support | <p>We support the Landscape Character Unit map. However, we note that some of the Landscape Character Units are outside of the WB zone. For example, #10, #23 and #16. This create confusion and should be updated (as well as the tables that follow).</p> | <p>Retain the Landscape Character Unit Map.</p> |
| 2: Fitzpatrick Basin | Support | <p>We support the Landscape Character Unit description as it relates to the Fitzpatrick Basin. In particular we support the last four rows as they relate to our properties on Littles Road.</p> | <p>Retain the description of the 2: Fitzpatrick Basin.</p> |
| Rule 27.4.2(g), Rule 27.4.3(b) and Rule 27.5.1 | Support | <p>We support the average and minimum lot size for the WBLP.</p> | <p>Retain Rules 27.4.2(g), 27.4.3(b) and 27.5.1.</p> |
| District Plan Map 29 | Support | <p>We support WBLP zoning over our land within the Fitzpatrick Basin.</p> | <p>Adopt WBLP zoning over our land within the Fitzpatrick Basin.</p> |