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**Submitter Details**

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Trade competition and adverse effects:

I could gain an advantage in trade competition through this submission

I could not gain an advantage in trade competition through this submission

I am 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.

**Note to person making further submission. A copy of your further submission must be served on the original submitter within 5 working days of making the further submission to the Council**

Wishes to be heard:

Yes

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Preferred hearing location:

**Chapter 24 - Wakatipu Basin (Wakatipu Basin Variation)**

**Chapter 25 - Earthworks**

**Chapter 29 - Transport**

**Chapter 31 - Signs**

**Chapter 38 - Open Space and Recreation**

**Visitor Accommodation - Variation**

Hearing Needs:

Correspondence to:

Submitter

Agent

Both

## Submission

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### Attached Documents

| File   |
|--|
| BOXER HILLS TRUST-PDP-Stage 2-submission-HogansGully-23Feb18 |

### Need Help?

Contact Customer Services on 03 441 0499 (Queenstown) or 03 443 0024 (Wanaka).

### Privacy Statement

When a person or group makes a submission or further submission on a District Plan or Plan Change this is public information.

Please note that by making a submission your personal details, including your name and addresses will be made publicly available under the Resource Management Act 1991. This is because, under the Act, any further submission supporting or opposing your submission must be forwarded to you as well as to QLDC.

There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have compelling reasons why your submission or your contact details should be kept confidential please contact the District Plan Administrator on 03 441 0499 to discuss.

## Queenstown Lakes District Council

### Proposed District Plan – Stage 2 Submission Form

Clause 6 of First Schedule, Resource Management Act 1991  
FORM 2

Correspondence to:  
Attn: Submission Team  
Queenstown Lakes District Council  
Private Bag 50072  
QUEENSTOWN 9348

For office use only

Submission No:

Receipt Date:

#### 1. Submitter details:

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QUEENSTOWN

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**Contact Person:** A Hutton / J Brown  
R Wolt

#### 2. Scope of submission

**2.1 This is a submission on the Queenstown Lakes District Proposed District Plan (“PDP”) Stage 2, notified 23 November 2015**

#### 2.2 Summary and purpose of the submission:

BHT generally supports the inclusion of land identified in the plan **attached** as **Annexure A** and located to the east of Arrowtown-Lake Hayes Road at Hogans Gully in the proposed Wakatipu Basin Lifestyle Precinct (**WBLP**) but seeks modifications to some of the provisions of that Precinct, including, but not limited to the following:

- Modify the minimum lot size provisions to enable a subdivision layout that is more practicable and efficient and would provide for better amenity outcomes for the site and for nearby landowners; and
- Change the status of dwellings from Restricted Discretionary activity to Controlled activity, to better provide for certainty for property owners;
- Various other modifications to enable more efficient use of the land.

BHT generally supports the proposed earthworks Chapter 25, insofar as it relates to the WBLP.

BHT generally opposes the proposed changes to Landscapes Chapter 6.

The details of the submission and the reasons for the submission are set out in Parts 3.1 – 3.5 below.

**2.3 The specific provisions that BHT's submission relates to are:**

- (a) Planning maps, including maps 13d, 26 and 27;
- (b) Chapter 24 – Wakatipu Basin;
- (c) Chapter 25 – Earthworks;
- (d) Chapter 27 – Subdivision;
- (e) Chapters 3 and 6 (Stage 1) and Chapter 6, Rule 6.4.1.3 (Variation);
- (f) Visitor Accommodation Variation, including definitions; and
- (g) Any other provisions relevant to this submission.

**3. Submission**

**3.1 Planning maps 13d, 26 and 27**

**3.1.1 Wakatipu Basin Lifestyle Precinct**

BHT **SUPPORTS** the inclusion in the WBLP over the land east of Arrowtown-Lake Hayes Road in the vicinity of Hogans Gully Road, including in particular the land shown in Annexure A..

The reason for the support is that the WBLP is an appropriate zone for the site, taking into account:

- (a) the location of the site within an already established rural living area;
- (b) the topography of the land, which can easily absorb new rural residential development at a scale and form that would not adversely affect the amenity values of neighbouring properties;
- (c) the ability for development within the site to connect to existing infrastructure services.

**3.2 Chapter 24: Wakatipu Basin**

BHT submits on and generally **SUPPORTS** all the provisions set out in Chapter 24, subject to modifications being made to some of the provisions, as set out in 3.2.1 – 3.2.7 below.

**3.2.1 Part 24.1: Zone Purpose**

Modify the Zone Purpose as follows:

...

*In the Precinct ~~a limited opportunity for~~ subdivision is provided **for**, with a **range of minimum lot sizes to suit the locational attributes of the particular part of the Precinct.** ~~of 6000 in conjunction with an average lot size of one hectare (10,000m<sup>2</sup>).~~ Controls on the location, nature and visual effects of buildings are used to provide a*

*flexible and design led response to the landscape character and visual amenity qualities of the Precinct.*

...

The reasons for this modification are:

- (a) The words "... *limited opportunity for subdivision* ..." should be deleted because the primary purpose of the WBLP is rural residential living, and therefore the opportunity for subdivision for this purpose should be encouraged and enabled;
- (b) The minimum lot size of 6000m<sup>2</sup> and average lot size of 1ha will not enable a "*flexible and design led response* ..." as is intended by the purpose statement. Rather, the similarity in the minimum and average lots sizes would yield a standard, uniform, "cookie-cutter" subdivision outcome, across the WBLP, with lots generally between 6000m<sup>2</sup> and 1.4ha. This range may not be the best fit for the particular natural features, landscape character or amenity values of a particular area;
- (c) Across the WBLP there is a wide variety of locational attributes, topographies, and degrees of potential visibility. The most appropriate intensity in some areas may be a 6000m<sup>2</sup> minimum lot size / 1ha average, but in other areas this may not be the case; a smaller minimum lot size, and perhaps no average, may be more appropriate, to achieve:
  - greater flexibility and innovation in subdivision design; and
  - design that integrates lots and development with the natural features, landscape character or amenity values of a site and wider surrounds;
- (d) Areas within which new development is able to be absorbed into the landscape without adverse effects on the wider landscape values of the Basin – as generally delineated by the WBLP – are, collectively, a finite resource. More efficient use of these areas, for the WBLP's primary purpose of rural residential development, should be enabled; the provisions should generally promote a greater intensity of rural residential lots while maintaining development standards to appropriately manage external effects;
- (e) There is no clear section 32 evaluation that justifies the 6000m<sup>2</sup> / 1ha regime across the entire WBLP.

### 3.2.2 Objective 24.2.5

Modify this objective as follows:

**24.2.5**      **Objective – ~~The landscape character and visual amenity values of the Precinct are maintained and enhanced in conjunction with enabling rural residential living opportunities. Enable rural residential living opportunities while managing effects of subdivision and development on the landscape character and visual amenity values of the Precinct.~~**

The reason for the modification is:

- (a) the premise of the notified objective is flawed because the WBLP is intended to provide for rural residential living which will inevitably change the landscape character and visual amenity of a site (and, potentially, the wider surrounding area). The wording of the notified objective could be interpreted to mean that landscape character and visual amenity values should not change. In particular, "maintain" implies "do not change", and "enhance" implies "improve". The premise of the objective should be reversed, in that the purpose of the Precinct

– having found to have moderate-high or high capacity for absorption of development – is rural residential living, enabled in a way that effects on landscape character and visual amenity values are properly managed;

- (b) As in (a) above, the purpose of the WBLP is rural living; the Precinct applies in locations (with moderate-high or high capacity for absorption of development) where rural living can, subject to the relevant activity rules and standards, occur without adverse effects on the landscape and visual amenity values. The reversal of the objective as promoted in the submission makes it clear that the objective is to enable rural living while managing its effects. The words “maintain” and “enhance” are deleted for the reasons set out in (a) above;

### 3.2.3 Policies 24.2.5.1 – 24.2.5.6

Modify the policies as follows:

|                 |                 |  |
|-----------------|-----------------|--|
| <b>Policies</b> | <b>24.2.5.1</b> | <i>Provide for rural residential subdivision, use and development <del>only where it protects, maintains or enhances while taking into account and avoiding, remedying or mitigating any potential adverse effects on</del> the landscape character and visual amenity values as described within the landscape character unit as defined in Schedule 24.8.</i>    |
|                 | <b>24.2.5.2</b> | <i>Promote design-led and innovative patterns of subdivision and development that <del>maintain and enhance</del> <u>take into account</u> the landscape character and visual amenity values <del>of the Wakatipu Basin overall</del> <u>as defined in Schedule 24.8.</u></i>  |
|                 | <b>24.2.5.3</b> | <i>Provide 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 ensures that the amenity, quality and character of the Precinct is retained.</i>  |
|                 | <b>24.2.5.4</b> | <i>Implement <del>minimum and average</del> lot size standards in conjunction with <del>building coverage and height standards</del> <u>development standards</u> so that the landscape character and visual amenity qualities <del>of the Precinct</del> <u>as defined in Schedule 24.8</u> are not compromised by cumulative adverse effects of development.</i> |
|                 | <b>24.2.5.5</b> | <i>Maintain and enhance a distinct and visible edge between the Precinct and the Zone.</i>   |
|                 | <b>24.2.5.6</b> | <i>Retain vegetation where this contributes to landscape character and visual amenity values of the Precinct and is integral to the maintenance of the established character of the Precinct.</i>  |

The reasons for the modifications are:

- (a) The modification to Policy 24.2.5.1 is necessary to reflect the changes to the objective, as discussed in 3.2.2 above, and for the same reason as the changes to the objective.
- (b) The modifications to Policy 24.2.5.2 are necessary for the reasons set out above in relation to the objective: subdivision and development for rural residential living purposes will inevitably change landscape character and visual amenity values. The words “maintain” and “enhance” imply, respectively, “do not change”, and “improve”, which may be interpreted to be contrary to the WBLP’s primary

purpose of rural residential living. Rather, change should be anticipated and properly managed, and development should be required to take into account the specific values of the landscape character units, as recorded in Schedule 24.8;

- (c) The modifications to Policy 24.2.5.4 are necessary, as follows:
- (i) Given the wide variety of locational attributes, topographies, and degrees of potential visibility from other areas, the “one size fits all” approach, with a minimum and average area, is not appropriate for the WBLP. Some areas may be able to absorb smaller sites, some not, and in some areas an average may be appropriate. Accordingly, the words “minimum and average” are deleted from the policy;
  - (ii) “Building coverage” and “height standards” are only two of the relevant standards that play a role in regulating development for the purpose of managing effects on landscape and visual amenity values. Setbacks from roads and other properties are also relevant standards. The policy should take into account all of the relevant standards, and the modification reflects this;
  - (iii) The words “... of the Precinct ...” are deleted because landscape and visual amenity values are not constant across all areas within the Precinct; there is a wide variety of locational attributes, topographies, and degrees of potential visibility. Each area within the Precinct is addressed in the Landscape Character Unit descriptions in Schedule 24.8, and it is appropriate that these descriptions, rather than an assumed generic set of values are the subject of the Policy.

**3.2.4 Part 24.4: Rules – Activities – Table 24.2**

Modify Table 24.2 by adding a new row as follows:

| Table 24.2            | Activities in the Wakatipu Basin Lifestyle Precinct  | Activity Status |
|-----------------------|--|-----------------|
| 24.4.1                | Any activity not listed in Tables 24.1 to 24.3   | N<br>D          |
| ...                   |  |                 |
| <b><u>24.4.25</u></b> | <p><u>The construction of new residential buildings and the exterior alteration to existing buildings located within an approved building platform area.</u></p> <p><u>Control is restricted to:</u></p> <ul style="list-style-type: none"> <li>• <u>Building scale and form.</u></li> <li>• <u>External appearance including materials and colours.</u></li> <li>• <u>Accessways.</u></li> <li>• <u>Servicing and site works including earthworks.</u></li> <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><u>Excludes farm buildings as provided for in Rule 24.4.8</u></p> | <u>C</u>        |

|                        |   |         |
|------------------------|---|---------|
| <b>24.2.26</b>         | The construction of new residential buildings located outside an approved building platform area.   | NC      |
| [renumber accordingly] | ...   |         |
| 24.4.29                | <p>Clearance, works within the root protection zone or significant trimming of native and/or exotic vegetation. <del>that is of a height greater than 4 metres.</del></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>— The extent of clearance</li> <li>— Trimming and works within the root protection zone</li> </ul> | RD<br>P |

The reasons for the modifications are:

*In relation to the status of activities not listed in the Tables:*

- (a) The discretionary status is more appropriate for activities that are unintentionally left out of the table, including, for example, in Rule 24.4.29 – works within root protection zone or trimming of exotic vegetation of a height that is greater than 4m. The status of such works for trees less than 4m would be non-complying, which is not the intention. The alternative is to ensure that the tables list the status of a breach for all relevant activities, such as those where a dimension is included as part of the rule. If that is adequately addressed then the overall non-complying default status for “activities not listed” is appropriate.

A further alternative is that, if the above cannot be accommodated, the rules should be redrafted so that all activities not listed or otherwise provide for in the Tables are permitted activities (in the same manner as the structure of the operative plan)”

*In relation to the status of buildings:*

- (b) The subdivision rules require (or should require) that a residential building platform (**RBP**) is nominated on a scheme plan at the time of subdivision so that the consent authority and other parties can assess the likely effects of a future dwelling on the new lot. The location and effects of a future dwelling, along with other associated works such as access and landscaping, will be sufficiently apparent, at the time of subdivision, to allow certainty of the right for a future dwelling and to preclude any need for subsequent Council discretion to refuse an application for a dwelling<sup>1</sup>;
- (c) The Restricted Discretionary Activity (**RDA**) status for a dwelling within a RBP creates too much uncertainty for property owners and is unnecessary, particularly so in the WBLP because the purpose of the WBLP is to create lots for rural residential purposes;
- (d) The Controlled activity status is more appropriate because it provides certainty for landowners while still allowing the Council to manage the effects of a dwelling within the RBP, and associated works, through imposing conditions in relation to the matters of control, as set out in the rule;
- (e) The planning method of creating a RBP at the time of the discretionary activity / restricted discretionary subdivision, with controlled activity status for subsequent buildings within the RBP, is well-established in the District, and there is no

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<sup>1</sup> Provided other appropriate development standards are met

evidence or section 32 evaluation suggesting that the method has generated adverse effects and is inappropriate;

- (f) The default status of non-complying is appropriate for any proposed building not located within an existing approved/registered building platform area because it sets clear guidance on the expected density of dwellings in the WBLP and enables rigorous assessment of the effects of any building not within the RBP.

*In relation to clearance of exotic vegetation of a height greater than 4m*

- (g) Requiring consent to remove, trim or undertake works in the root protection zone is unwarranted. If protection of trees in the WBLP is required to screen buildings this should be protected by a consent condition on a development or as specific protected items in the District Plan. A blanket rule is inefficient and this approach is not necessary and should be deleted.

**3.2.5 Part 24.5: Rules – Standards – Table 24.3**

Modify Table 24.3 as follows:

|         | <b>Table 24.3 – Standards</b>  | <b>Non-compliance Status</b> |
|---------|--|------------------------------|
| 24.5.1  | <p><b>Building coverage</b></p> <p>The maximum building coverage for all buildings shall be:</p> <p><b><u>For lots 4000m<sup>2</sup> or greater:</u></b> 15% of lot area, or <del>500</del> <b><u>1000m<sup>2</sup></u></b> gross floor area whichever is the lesser.</p> <p><b><u>For lots less than 4000m<sup>2</sup>:</u></b> <b>25% of lot area</b></p> <p>Discretion is restricted to ...</p> | RD                           |
| ...     |  |                              |
| 24.5.3  | <p><b>Building height</b></p> <p>The maximum height of any building shall be <del>6</del> <b><u>8</u></b> m.</p> <p>Discretion is restricted to ...</p>  | RD                           |
| ...     |  |                              |
| 24.5.15 | <p><del><b>Residential visitor accommodation</b></del></p> <p><del>The commercial letting of one residential unit or residential flat per site for up to 3 lots not exceeding a cumulative total of 28 nights per 12 month period</del></p>  | <del>D</del>                 |
| 24.5.16 | <p><del><b>Homestay</b></del></p> <p><del>a. May occur within either an occupied residential unit or an occupied residential flat on a site, and shall not occur within both on a site.</del></p> <p><del>b. Shall not exceed 5 paying guests per night.</del></p>   | <del>D</del>                 |

The reasons for the modification are:

- (a) In relation to Standard 24.5.1:
  - (i) The reference to “gross floor area” (**GFA**) is redundant as the rule is targeting a limit on building footprint, not GFA;
  - (ii) The maximum allowed size of a RBP is 1000m<sup>2</sup> so this should be the maximum coverage, including dwelling and accessory buildings, or 15% of lot area, for lots 4000m<sup>2</sup> or larger. The effects of the location of these buildings within the RBP will have been addressed at the time of

subdivision, and there is no further need to address effects of the location of the building;

- (iii) For lots smaller than 4000m<sup>2</sup>, 15% coverage may be too small to comfortably accommodate a dwelling and accessory buildings, therefore a 25% coverage limit is proposed.
- (b) In relation to Rule 24.5.3:
- (i) The building height of 6m is too restrictive and may only enable 1 – 1.5 floors in a dwelling;
- (ii) A building height of 8m is more appropriate as it enables two levels. The 8m height limit has existed for many decades without significant problems;
- (iii) If at the time of subdivision any potential adverse effects arising from the height of a building in a specific location are identified (as addressed in the assessment of the RBP location) then a specific height limit can be imposed by way of consent notice on the title of the lot. This is well-established practice.
- (c) In relation to Rule 24.5.15 and 24.5.16:
- (i) The rule should be deleted because the rule is a significant market intervention without environmental justification;
- (ii) The notified provisions are a significant and unjustified intervention into the residential and visitor accommodation market in the District;
- (iii) The information relied upon in the s32 justification for the visitor accommodation variation states that a significant number of listings (such as in Airbnb) comprise properties that are likely to be used “exclusively” for VA purposes<sup>2</sup>. This is not justified. Most owners, and/or their family and friends, would use the properties even if only occasionally for short term stays. Many use their properties frequently as a second home and prefer the convenience of letting their homes for short term VA while they are absent.
- (iv) There is no evidence to suggest that the rules will result in home owners leasing their properties to long term tenants.
- (v) The proposed rule ignores the fact that many owners prefer short term VA rentals rather than long term open leasing because:
- It allows the owner(s) and/or their families and friends the freedom to stay at their property whenever they wish by temporarily taking the property out of the VA “pool”. This freedom is in most cases not available to the owners if the property is leased to long term tenants; and
  - The financial rewards are likely to be higher from short term VA leasing; and
  - Short term VA leasing is usually accompanied by property up-keep and regular cleaning, which is not always guaranteed if the property is occupied by long term tenants.

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<sup>2</sup> See para 6.19 of the s32 dated 2 November 2017

- (vi) The ability to enable short term VA leasing assists the District in fulfilling its continued and growing demand for VA accommodation, especially for families and other groups of more than 2 people who may not be able to afford multiple hotel or motel rooms, who do not wish to stay at a backpacker operation, and who would prefer the comforts of a home during their stay.
- (vii) There is no evidence that short term VA leasing will cause greater adverse effects on residential amenity than long term rentals. For example, the District has by nature a large “transient” or seasonal sector of the population. Long term tenants will include late shift workers (restaurants, bars, hotel staff) who arrive home very late at night, which can disrupt residential amenity on a more regular basis than short term VA tenants.
- (viii) There is little difference between the “permanent” effects of the use of a property by long term tenants than the less frequent, temporary effects of the use by short term VA tenants.
- (ix) The natural attributes and economy of the District are such that the District has high numbers of holiday homes, high numbers of short term visitors, and high numbers of transient workers in tourism-related industries. The juxtaposition of all of these has created the circumstances where short term VA leasing of private residences is practicable, viable and necessary. Intervention into this aspect of the economy is perilous, and other methods of increasing housing availability and reducing affordability should be contemplated on a wider basis rather than through the mechanisms proposed in the Variation.
- (x) The section 32 evaluation identifies that only 2.2% of the visitor accommodation is provided in rural areas, and therefore the alleged adverse impacts on residential cohesion and character are not relevant in the rural areas;
- (xi) For these reasons in the WBLP the standards for Residential Visitor Accommodation and Homestays should not apply and should be deleted.

### 3.2.6 Rule 24.7: Assessment matters – Restricted Discretionary Activities

Modify the rule as follows:

#### 24.7 Assessment Matters – Controlled and Restricted Discretionary Activities

**24.7.1** In considering whether or not to grant consent and/or to impose conditions on a resource consent, regard shall be had to the assessment matters set out at 24.7.3 to 24.7.13.

**24.7.2** All proposals for restricted discretionary activities will also be assessed as to whether they are consistent with the relevant objectives and policies for ~~the Zone or Precinct as well as those in Chapters 3 Strategic Direction; Chapter 4 Urban Development; Chapter 6 Landscapes and Chapter 28- Natural Hazards.~~

The reason for the modification to 24.7.1 is: the modification is a consequential amendment arising from the submission in 6.2.2 above, in relation to the status of dwellings within a RBP.

The reason for the modification to 24.7.2 is: it is inappropriate to require assessment of an RDA against the higher order objectives and policies of the Plan, as this opens up the discretion to practically any matter, rather than restricting it to the matters for which the rule is designed, and is akin to the assessment required for a non-complying

activity.. The costs to the applicant and the Council of requiring such an assessment would be unreasonably high. The only reasonable exception is the provisions for natural hazards.

**3.2.7 Rule 24.7.3 Assessment matters**

Modify Rule 24.7.3 as follows:

|               | <b>Assessment matters</b>   |
|---------------|---|
| <b>24.7.3</b> | <p>New buildings (and alterations of existing buildings) <b><u>within a residential building platform</u></b>, residential flat, building coverage and building height infringements:</p> <p><b>Landscape and visual amenity</b></p> <p>a. Whether the <del>location</del>, form, scale, design and finished materials including colours of the building(s) adequately responds to the identified landscape character and visual amenity qualities of the landscape character units set out in Schedule 24.8 and the criteria set out below.</p> <p>b. The extent to which the <del>location and</del> design of buildings and ancillary elements and the landscape treatment complement the existing landscape character and visual amenity values, including consideration of:</p> <p>...</p> <ul style="list-style-type: none"> <li>• Design, <u>and</u> size <del>and location</del> of accessory buildings</li> </ul> <p>...</p> |
| ...           |   |

The reason for the submission is that the location of buildings will have been addressed at the time of subdivision.

**3.2.7 Schedule 24.8 – Landscape Character Unit 8 – Speargrass Flat**

BHT generally **SUPPORTS** the LCU8 evaluation in Schedule 24.8 but seeks the following modifications (tracked change):

**8 : Speargrass Flat**

| <b>Landscape Character Unit</b>  | <b>8: Speargrass Flat</b>  |
|----------------------------------|--|
| <b>Landform patterns</b>         | Relatively open pastoral flat framed by the south-facing slopes of the Wharehuanui Hills to the north, and the steep margins of the Slope Hill 'Foothills' to the south.   |
| <b>Vegetation patterns</b>       | Scattered exotic shelterbelts and patches of mixed scrubland in gullies. Isolated bush fragment to eastern end.<br>Exotic pasture grasses dominate.  |
| <b>Hydrology</b>                 | A series of watercourses and overland flow paths drain southwards across Speargrass Flat from the Wharehuanui Hills to Lake Hayes.   |
| <b>Proximity to ONL/ONF</b>      | Unit does not adjoin ONL or ONF; however, has open longer-range views to surrounding ONL mountain context.   |
| <b>Character Unit boundaries</b> | <p>North: ridgeline crest, Millbrook Structure Plan area <u>and Hills golf course</u></p> <p>East: crest of hill slopes, Lake Hayes Rural Residential landuse pattern/cadastral boundaries, Speargrass Flat Road.</p> <p>South: ridgeline crest, Hawthorn Triangle hedging.</p> <p>West: vegetation patterns/stream.</p> |

|  |   |
|--|---|
| <b>Landscape Character Unit</b>  | <b>8: Speargrass Flat</b>   |
| <b>Land use</b>  | Predominantly pastoral land use with <del>sparsely</del> scattered rural residential lots.  |
| <b>Settlement patterns</b>   | Dwellings tend to be well separated and framed by plantings, or set into localised landform patterns. Generally dwellings are located on the flat land adjacent the road although a very limited number of consented but unbuilt platforms located on elevated hill slopes to the south (that enjoy northern aspect).<br><del>Overall very few consented but unbuilt platforms (3).</del><br>Typical lot sizes: the majority of lots are over 50ha.   |
| <b>Proximity to key route</b>  | Located away from a key vehicular route. <u>Part of the area is adjacent to Speargrass Flat/Hogans Gully Road and Arrowtown Lake Hayes Road.</u>  |
| <b>Heritage features</b>   | Two heritage buildings/features identified in PDP.  |
| <b>Recreation features</b>   | Speargrass Flat Road is identified as a Council walkway/cycleway. Forms part of Queenstown Trail 'Countryside Ride'.  |
| <b>Infrastructure features</b>   | No reticulated sewer or stormwater.<br>Reticulated water in places.   |
| <b>Visibility/prominence</b>   | The relatively open character of the unit makes it highly visible from the public road network and the elevated hills to the north and south, <u>although the escarpment confining the character unit to the north blocks some views from the north.</u>  |
| <b>Views</b>   | Key views relate to the open and spacious pastoral outlook from Speargrass Flat Road (including the walkway/cycleway route) across to the escarpment faces and hillslopes flanking the valley, backdropped by mountains.  |
| <b>Enclosure/openness</b>  | The landform features to the north and south providing a strong sense of containment to the relatively open valley landscape.   |
| <b>Complexity</b>  | The hillslopes and escarpment faces to the north and south display a reasonably high degree of complexity as a consequence of the landform and vegetation patterns.<br>The valley floor itself displays a relatively low level of complexity as a consequence of its open and flat nature.  |
| <b>Coherence</b>   | The relatively simple and legible bold valley landform pattern, in combination with the predominantly open pastoral character, contributes an impression of coherence. Gully vegetation patterning serves to reinforce the landscape legibility in places.  |
| <b>Naturalness</b>   | The area displays a reasonable degree of naturalness, <u>as a consequence of the relatively limited level of built development evident, however rural land use has led to land cover modifications with low naturalness associated with the vegetation.</u>   |
| <b>Sense of Place</b>  | Generally, the area displays a predominantly <del>working</del> rural <u>residential</u> landscape character <u>although this development is with scattered and</u> for the most part, relatively subservient rural <u>landscape residential development evident in places.</u><br>Whilst Hawthorn Triangle and Lake Hayes Rural Residential LCUs form part of the valley landscape, their quite different character as a consequence of relatively intensive rural residential development sets them apart from the Speargrass Flat LCU, with the latter effectively reading as 'breathing space' between the two. To the eastern end of the unit, there is the perception of the Lakes Hayes Rural Residential area sprawling into Speargrass Flat. |
| <b>Potential landscape issues and constraints associated with additional development</b> | Absence of a robust edge to the Lake Hayes Rural Residential LCU makes Speargrass Flat vulnerable to 'development creep'.<br>Open character, in combination with walkway / cycleway, makes it sensitive to landscape change.  |

|  |   |
|--|---|
| <b>Landscape Character Unit</b>  | <b>8: Speargrass Flat</b>   |
| <b>Potential landscape opportunities and benefits associated with additional development</b> | <p><del>Larger scaled lots suggest potential for subdivision.</del></p> <p>Subdivision around the edges of the Lake Hayes Rural Residential Unit suggest the potential to consolidate the existing rural residential 'node' and integrate a defensible edge.</p> <p>Riparian restoration potential.</p> <p>Easy topography.</p> |
| <b>Environmental characteristics and visual amenity values to be maintained and enhanced</b> | <p>Sense of openness and spaciousness as a 'foil' for the more intensively developed rural residential areas nearby.</p> <p>Views from Speargrass Flat Road to the largely undeveloped hillslopes and escarpment faces to the north and south.</p> <p>Integration of buildings with landform and/or planting.</p>               |
| <b>Capability to absorb additional development</b>   | <p><b>High, especially</b> around Lake Hayes Rural Residential LCU 12 edges.</p> <p><del>Low: Elsewhere.</del></p>  |

The modifications are necessary to:

- ensure that the evaluation of the LCU accurately reflects the existing environment, including zonings and consents;
- ensure that surrounding topographical features are accurately taken into account.
- correct errors in the terminology of activities and operations;
- ensure it provides for the landscape character as it is anticipated to and will likely change under the relevant (proposed) zoning. The LCU's purpose should be to set 'bottom lines', rather than provide a snapshot in time (2017) of the landscape of each unit when that snapshot does not account for and may disenable appropriate development that is otherwise anticipated by the unit's zoning. The mark ups are one way in which this might be achieved, but there may be others.

### 3.3 Variation to Stage 1 Subdivision and Development Chapter 27

#### 3.3.1 Rule 27.5.1

BHT **OPPOSES** the proposed amendments to Rule 27.5.1 and seeks modifications to the rule, as follows:

| Zone  |                                   | Minimum Lot Area  |
|-------|-----------------------------------|---|
| Rural | ...                               |   |
|       | Wakatipu Basin Lifestyle Precinct | <p>...</p> <p><b><u>In the area east of Arrowtown-Lake Hayes Road north of Hogans Gully Road: minimum 4000m<sup>2</sup> / average 1ha</u></b></p> |

The reasons for the opposition and the modification are as follows:

- (a) The reasons set out in 3.2.1 above;

(b) The site has varied topography and features which collectively enable an innovative subdivision response that takes into account:

- the topography;
- views;
- neighbouring properties and their various land uses;

Such a subdivision response would potentially:

- include large areas of open space, to contribute to pastoral uses and amenity, with smaller lots around these open space areas; and
- include sufficient open space buffers at the periphery of the site to provide for amenity values for neighbouring landowners and as a buffer to potential future development on neighbouring lots.

(d) The rigidity of the 6000m<sup>2</sup> / 1ha average subdivision configuration, and the non-complying status for breaching these minima, would inhibit such an innovative design approach and would likely lead to an inferior environmental outcome, for the future lot owners and neighbours;

(e) The 6000m<sup>2</sup> / 1ha average rules are contrary to the various provisions seeking flexible and innovative subdivision design, for example:

- Policy 24.2.5.2: “*Promote design-led and innovative patterns of subdivision and development ...*”;
- Assessment matters for subdivision, such as Rule 27.7.6.2(f): “*Whether clustering of future buildings would offer a better solution for maintaining a sense of openness and spaciousness, or the integration of development with existing landform and vegetation patterns.*”

(f) For the BHT land east of Lake Hayes Road and north of Hogans Gully Road, a 4000m<sup>2</sup> min lot size, with a 1ha average, is appropriate as it allows an appropriate size for the topography and enables provision of open space, taking into account also the setback distance from Lake Hayes-Arrowtown Road and Hogan Gully Road.

### 3.4 Chapter 25 – Earthworks

BHT **SUPPORTS** the proposed provisions of Chapter 25 – Earthworks, insofar as they relate to the WBLP.

### 3.5 Variation to higher order Chapters of the PDP

The Submitter considers that various modifications are necessary to Chapter 3 (Strategic Direction) and Chapter 6 (Landscapes) of the PDP, so that the WBRAZ and the WBLP are integrated with and have higher order authority from those chapters. This will include new objectives and policies within those chapters.

### 3.6 Variation to Stage 1 Landscapes – Chapter 6

#### 3.6.1 Part 6.4 – Rules – Rule 6.4.1.3

Modify the rule as follows:

**6.4.1.3** *The landscape categories assessment matters do not apply to the following within the Rural Zones:*

- a. *Ski Area Activities within the Ski Area Sub Zones.*
- b. *The area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps.*
- c. ~~*The Gibbston Character Zone.*~~ **The Gibbston Character Zone**
- d. ~~*The Rural Lifestyle Zone.*~~ **The Rural Lifestyle Zone**
- e. ~~*The Rural Residential Zone.*~~ **The Rural Residential Zone**
- f. **The Wakatipu Basin Lifestyle Precinct**

The reasons for the submission are:

- (a) The zones that have been deleted from the exemptions for assessment under the landscape categories in Chapter 6 (Gibbston Character, Rural Lifestyle and Rural Residential) should be reinstated in the list of exemptions because:
  - these zones have already been determined to have certain landscape values and ability to absorb certain activities and development densities; and
  - the zones have their own sets of objectives, policies, rules and assessment matters, formulated for the specific attributes and circumstances of those zones. The matters of discretion and assessment matters are sufficient to properly guide the determination on specific applications;
  - there is no adequate justification for removing these zones from the exemptions.
- (b) The WBLP should be added to the list of exemptions for the same reason as in (a) above – the WBLP zones has its own set of objectives, policies, rules and assessment matters, formulated for the specific attributes and circumstances of the zone.

### **3.7 Part 2 and section 32 of the Act**

#### **3.7.1 Section 5**

Subject to the modifications sought in this submission, the PDP achieves the sustainable management purpose of the Act by enabling people and communities of the District to provide for their collective well-being and safety in a manner that: sustains the potential of the natural and physical resources of the WBLP for future generations; will continue to safeguard the life-supporting capacity of air, water, soil, and ecosystems; and will avoid or mitigate potential adverse landscape effects.

The purpose of the Act is therefore achieved by the WBLP and the proposed modifications sought in this submission.

#### **3.7.2 Section 7**

The modifications sought in this submission are directly relevant to achieving the following matters to which particular regard must be given:

- (b) *the efficient use and development of natural and physical resources;*
- (c) *the maintenance and enhancement of amenity values;*
- (f) *maintenance and enhancement of the quality of the environment;*
- (g) *any finite characteristics of natural and physical resources;*

### 3.7.3 Summary – Part 2 of the Act

The WBLP, with the modifications sought in this submission, achieve the purpose and principles of the Act, for the reasons set out above.

### 3.7.4 Section 32

Under s32 of the Act, subject to the modifications sought in this submission:

- (a) The WBLP objectives are the most appropriate way to achieve the purpose of the Act in relation to the BHT land north of Hogans Gully Road; and
- (b) The WBLP provisions are the most appropriate, practicable and most effective and efficient way for achieving the relevant objectives; and
- (c) The provisions will have benefits, from:
  - better enabling certainty for WBLP property owners and thereby reducing potential transaction costs;
  - better enabling flexible and innovative subdivision design, and better environmental outcomes; and
- (d) There is no risk of acting (by adopting the modifications sought in this submission) because there is no uncertainty or insufficient information about the subject matter of the provisions.

## 4. BHT seeks the following decision from the Queenstown Lakes District Council:

- 4.1 The adoption of the WBLP for the land to the east of Arrowtown-Lake Hayes Road, as shown on Planning Maps 13d, 26 and 27 and in the plan attached as **Annexure A**, including the notified provisions for the WBLP, but subject to the amendments sought elsewhere in this submission; or
- 4.2 The adoption of any other zone for the land that would achieve the intent of this submission, including a zone with the primary purpose of enabling rural residential development (such as the legacy Rural Residential Zone, or similar), should such a zone be found to be preferable to the WBLP; and
- 4.5 The modifications to the WBLP provisions as set out in this submission, including:
  - (a) The modification to Part 24.1: Zone Purpose;
  - (b) The modifications to Objective 24.2.5;
  - (c) The modifications to Policies 24.2.5.1, 24.2.5.2, 24.2.5.4;

- (d) Part 24.4 – Rules: Table 24.2, new Rules 24.4.25, 24.4.26; Table 24.3 Standards: Rules 24.5.1, 24.5.3, 24.5.4; 24.5.15; 24.5.16; Rule 24.7, 24.7.3 and Schedule 24.8; and

- 4.6 The modifications to Chapter 27 (Subdivision), Rule 25.5.1; and  
4.7 The adoption of Chapter 25 – Earthworks in so far as it applies to the WBLP; and  
4.8 The modifications to Chapter 6 (Landscapes) Rule 6.4.13; and  
4.9 Modifications to Stage 1 Chapters 3 and 6;

**Or**

- 4.10 That the Proposed Plan be amended in a similar or such other way, including any such other combination of objectives, policies, rules and standards so as to address the matters raised in and achieve the intent of this submission;


**And**

- 4.11 Any consequential amendments or other decisions necessary to address the matters raised in this submission.

BHT **DOES** wish to be heard in support of this submission.

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

Signature of Submitter



J A Brown  
*Authorised to sign on behalf of Boxer Hills Trust*

Date: 23 February 2018

Telephone: 03 409 2258

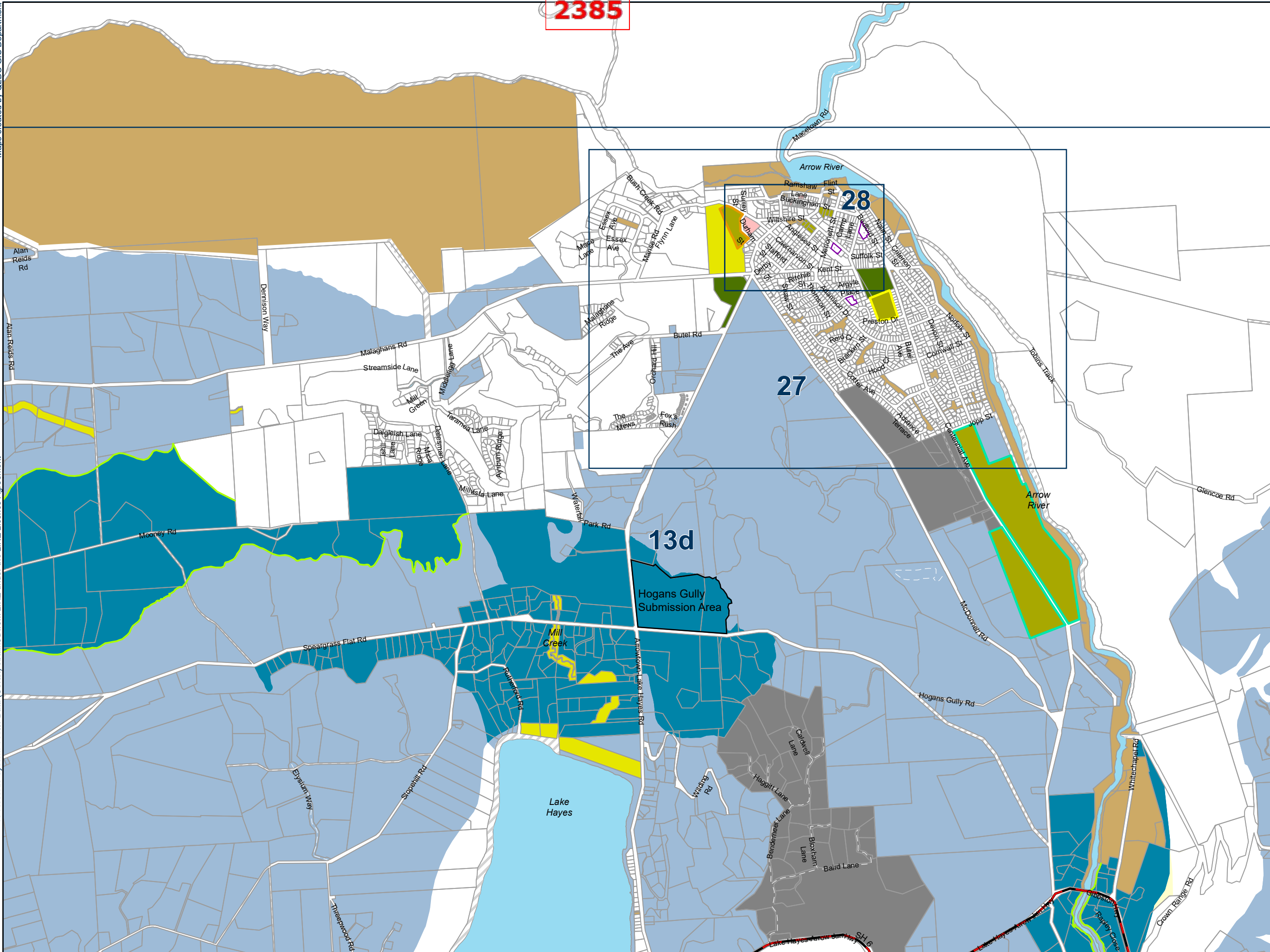
**Notes to person making submission:**

If you make your submission by electronic means, the email address from which you send the submission will be treated as an address for service.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of Schedule 1 of the Resource Management Act 1991.

**The submitter could NOT gain an advantage in trade competition through this submission**

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- Legend**
- Parcel/Road Boundary
  - Landscape Feature
  - State Highway
  - Unformed Roads
  - Visitor Accommodation Sub-Zone
  - Water (zoned Rural unless otherwise shown)
  - Zones excluded from Stages 1 and 2 of the District Plan Review
  - Community Purpose - Campground
  - Community Purpose - Cemetery
  - Community Purpose - Golf Course
  - Active Sports and Recreation
  - Civic Spaces
  - Community Purposes
  - Informal Recreation
  - Nature Conservation
  - Wakatipu Basin Rural Amenity Zone
  - Wakatipu Basin Lifestyle Precinct
  - Rural

All Stage 1 and Stage 2 land is subject to the District Wide Earthworks Chapter 25, Transport Chapter 29 and Signs Chapter 31.

The District Wide Annotations notified in Stage 1 remain applicable to all Stage 1 and Stage 2 land. Refer to the Proposed District Plan Maps for the location of the District Wide annotations. Specifically the Open Space and Recreation Zoned land that was not notified in Stage 1 is subject to the District Wide annotations and submissions can be made on a District Wide annotation that affects this land.

The Council has identified where the proposed Visitor Accommodation Sub Zones are to be located. Any person may make a submission on the location and extent of Visitor Accommodation Sub Zones as it relates to Stage 1 and Stage 2 land.

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