

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

Submission on Queenstown Lakes Proposed District Plan 2015 - Stage 1

Clause 6 of the First Schedule, Resource Management Act 1991

To: Queenstown Lakes District Council
By email: services@qldc.govt.nz

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1. This is a submission on the Queenstown Lakes Proposed District Plan 2015 - Stage 1 ("**the Proposed Plan**").
2. I am not a person who could gain an advantage in trade competition through this submission (clause 6(4) of Part 1 of Schedule 1 of the RMA 1991).
3. The specific provisions of the proposal that my submission relates to are: Chapters 3 (Strategic Direction), Chapter 6 (Landscapes), Chapter 21 (Rural Zone), Chapter 22 (Rural Lifestyle Zone), Chapter 27 (Subdivision) and Map 30.
4. I oppose the Proposed Plan Chapters 3, 6, 21, 22 and 27 insofar as they relate to the land identified below.
5. This submission relates to the following matters and seeks to achieve the following outcomes;
 - a. That the ONL boundary be amended as identified on the attached map at **Appendix 1** in light of the following factors: the topography of the area, vegetation, and the need for a practical and logical ONL boundary.
 - b. That the following area of land be rezoned from Rural to Rural Lifestyle in light of its particular characteristics; the area of land located on the northern side of, and adjoining, State Highway 6 (identified in green on the attached Map at Appendix 1 (referred to as "**the Site**")).
 - c. That the Rural Lifestyle Zone establishes a framework for the efficient and effective use of the natural resources of the district by providing for a comprehensive set of objectives policies and rules to enable rural living and subdivision. A number of small changes are sought to the objectives, policies and rules of Chapter 22 Rural Residential and Rural Lifestyle. Particular changes include reducing the 2ha minimum average down to 1ha minimum average and enabling two residential units within one residential building platform.

- d. These changes are proposed in order to improve the effectiveness and efficiency of the methods in achieving the relevant objectives of the plan and to also remove any unnecessary restrictions or ambiguous language.
- e. That the District Plan provides a complete and comprehensive set of provisions to enable subdivision and other land uses in rural areas in addition to agricultural and farming uses.
- f. The provisions in the Rural and Strategic Direction chapters place undue emphasis on the protection of all landscapes without provision of appropriate use and development does not support the sustainable management purpose of the RMA. It is suggested that all such policies and objectives are amended in light of the sustainable management language of the RMA. The District Plan should balance the protection and use and development of all natural and physical resources, taking into account particular section 6 and 7 matters requiring protection and maintenance. Any objectives and policies which provide for a higher level of protection than that specified in Part 2 of the RMA, without clear justification in a section 32 analysis, should either be deleted or amended accordingly.
- g. The provisions in the Strategic Direction and Landscapes chapters which create an emphasis on the protection of all landscapes without provision for appropriate use and development are opposed. This approach does not achieve the sustainable management purpose of the RMA. This submission seeks that all such policies and objectives are tempered in light of the sustainable management language of the RMA.
6. I seek the following decision from the local authority: that the Proposed Plan be amended as requested in the Table below, together with any alternative, additional, or consequential relief necessary or appropriate to give effect to the matters raised in this submission and/ or the relief requested below.

| Provision | Support/ Oppose | Reason | Decision sought [New text shown as <u><i>underlined italics</i></u> and deleted text shown as <i>italics strike through</i>] |
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| Chapter 3 – Strategic Direction | | | |
| Objective 3.2.1.4 | Support in part | Objective 3.2.1.4 and Objective 3.2.5.5 and its allied policies overly emphasise the importance of farming activities and do not recognise that other important natural factors and processes, and human activities, have shaped the landscape character of the District. | 1. Amend Objective 3.2.1.4 as follows: <i>Recognise the potential for rural areas to diversify their land use beyond the strong productive value of traditional rural activities including farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests.</i> |
| Objective 3.2.5.2 Minimise the adverse landscape effects of subdivision, use or development in | Oppose | The wording in this objective detracts should be amended to better reflect RMA purpose and terminology. The wording in particular is unclear and does not allow for appropriate development. | 1. Amend Objective 3.2.5.2 as follows. Minimise Avoid, remedy or mitigate the adverse effects on natural landscapes effects of from |

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| specified Rural Landscapes. | | | in appropriate subdivision, use or development in specified Rural Landscapes. <u>Recognise the landscape character and visual amenity values of the Rural Landscapes and manage the adverse effects of subdivision, use and development on these values.</u> |
| Policy 3.2.5.2.1 Identify the district's Rural Landscape Classification on the district plan maps, and minimise the effects of subdivision, use and development on these landscapes. | Support in part | The wording in this policy should be amended to better reflect RMA purpose and terminology. The insertion correctly aligns the objective with the duty under section 6(b) of the RMA. This policy is also proposed to be split into two as follows as these are two distinct policies | 1. Amend Policies 3.2.5.2.1 as follows. Identify the district's Rural Landscape Classification on the district plan maps, and minimise avoid, remedy or mitigate the adverse effects of inappropriate subdivision, use and development on these landscapes. |
| Policy 3.2.5.2.2 | Support | The following has been split out as a separate policy from 3.2.5.2.1 above to set out the intent of the District Plan for those landscapes. | 1. Insert following policy 3.2.5.2.2 <u>Avoid, remedy or mitigate the adverse effects of subdivision, use and development within these landscapes.</u> |
| 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. | Support in part | The wording in this objective should be amended to better reflect RMA purpose and terminology. Any unnecessary or ambiguous wording should be deleted. | 1. Amend Objective 3.2.5.3 as follows. Direct new <u>Encourage</u> subdivision, use or development to occur in those areas which have potential to absorb change without <u>while recognising the importance of</u> detracting from landscape and visual amenity values. |
| Objective 3.2.5.5 | Support in part | Objective 3.2.5.5 and its allied policies overly emphasise the importance of farming activities and do not recognise that other important natural factors and processes, and human activities, have shaped the landscape character of the District. | 1. Amend Objective 3.2.5.5 as follows: <u>Recognise that agricultural land use and other activities that rely on rural resources is are fundamental to the character of our landscapes.</u> |

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| Policy 3.2.5.5.1 | Support in part | These policies overly emphasise the importance of farming activities and do not recognise that other important natural factors and processes, and human activities, have shaped the landscape character of the District. | 1. Amend Policy 3.2.5.5.1 as follows: <i>Give preference to farming activity and other activities that rely on rural resources in rural areas except where it conflicts with significant nature conservation values.</i> |
| Policy 3.2.5.5.2 | Support in part | These policies overly emphasise the importance of farming activities and do not recognise that other important natural factors and processes, and human activities, have shaped the landscape character of the District. | 1. Amend Policy 3.2.5.5.2 as follows: <i>Recognise that the retention of the character of rural areas is often dependent on the ongoing viability of activities that rely on rural resources and farming and that evolving forms of agricultural and other land uses which may change the landscape are anticipated.</i> |
| Objective 3.2.6.1 Provide access to housing that is more affordable. | Support in part | This objective needs to be broadened to reflect the current issue of land and housing supply in the district. One of the core issues related to housing affordability is the ability of land supply for that housing (as well as the housing itself). | 1. Amend Objective 3.2.6.1 as follows. <i>Maintain and provide access to housing and land supply for housing that is more affordable.</i> |
| Chapter 6 Landscapes | | | |
| Policy 6.3.1.4 That subdivision and development proposals located within the Rural Landscape 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 | Support in part | This policy is opposed as it is inherently contradictory and does not currently reflect RMA purpose and terminology. The policy should not refer to specific assessment matters as the policy should be achievable in its own right. The current wording is also contradictory as it appears to presuppose decision outcomes. | 1. Amend Policy 6.3.1.4 as follows. That subdivision and development proposals located within the Rural Landscape <u><i>Classification be located and designed in such a manner that adverse effects on landscape character and visual amenity values are avoided, remedied, or mitigated.</i></u> 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 |

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| these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters. | | | landscapes, meaning successful applications will be, on balance, consistent with the assessment matters. |
| Policy 6.3.1.6 Enable rural lifestyle living through applying Rural Lifestyle Zone and Rural Residential Zone plan changes in areas where the landscape can accommodate change. | Support in part | This Policy is supported with suggested amendments in order to broaden the applicability of the policy to all types of rural living including a residential activity. It is not appropriate for this policy to refer to plan changes. | 1. Amend Policy 6.3.1.6 as follows. <u>Enable rural living through rural living zones in areas where landscape can accommodate change and through carefully considered development applications.</u> lifestyle and residential living through applying Rural Lifestyle Zones and Rural Residential Zones plan changes in areas where the landscape can accommodate change. |
| Policy 6.3.1.11 Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places. | Support in part | The wording in this Policy should be amended to better reflect RMA purpose and terminology. This policy sets a higher threshold of protection than provided for in section 6 without justification in the section 32 report. | 1. Amend Policy 6.3.1.11 as follows. Recognise the importance of <u>protecting avoiding, remedying, or mitigating adverse effects on</u> landscape character and visual amenity values, particularly as viewed from public places. |
| Objective 6.3.2 Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development. | Oppose | Objective 6.3.2 as notified seeks to avoid adverse cumulative effects. This is too strong and may foreclose the opportunity for proposals for which adverse effects can be adequately remedied or mitigated, if not entirely avoided. Such an assessment would be made at the time of the application. The insertion of " <u>remedy or mitigate</u> " into the objective is therefore necessary. | 1. Amend Objective 6.3.2 as follows. <u>Avoid, remedy or mitigate</u> adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development. |
| Policy 6.3.2.2 Allow residential subdivision and development only in locations where the District's | Oppose | Policy 6.3.2.2 should be amended to recognise that there are rural areas that can absorb development, whether in new areas or infill within existing areas, provided that landscape character and visual amenity values are not <i>significantly</i> adversely affected. This wording recognises that the landscape values are one component – albeit | 1. Amend Policy 6.3.2.2 as follows: <u>Allow residential subdivision and development only in locations where the District's landscape character and visual amenity</u> |

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| landscape character and visual amenity would not be degraded. | | a very important component – in the overall determination of applications, and seeks that any potential adverse effects are properly considered in this determination. | <i>would not be degraded significantly adversely affected, recognising that there are parts of the rural areas that can absorb rural living development, provided that the potential adverse effects on the landscape character and visual amenity values are properly considered when determining applications.</i> |
| 6.3.5 Objective - Ensure subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC). | Support in part | Objective 6.3.5 is modified by replacing “degrade” with “avoids, remedies or mitigates adverse effects on” which aligns with section 5(2)(c) of the Act. It also better provides for the different (and in many cases unique) circumstances of any particular development proposal where the adverse effects on landscape character and visual amenity values may, in the broad determination under section 5, not necessarily need to be completely avoided but could be adequately remedied or mitigated. The opportunities for this should be expressed in the policy. | 1. Amend Objective 6.3.5 as follows: <i>Enable subdivision and development that degrade <u>avoids, remedies or mitigates adverse effects on</u> landscape character and diminish visual amenity values of the Rural Landscapes (RLC).</i> |
| Policy 6.3.5.2 Avoid adverse effects from subdivision and development that are: • Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and • Visible from public roads. | Support in part | Policy 6.3.5.2 is modified for the same reasons as above. | 1. Amend Policy 6.3.5.2 as follows. <i>Avoid, <u>remedy or mitigate any adverse effects from subdivision and development that are...</u></i> |
| 21 Rural zone | | | |
| 21.7.2 RLC assessment matters Policy 21.7.2.4 b. the proposed | Support in part | The wording of these assessment matters should be amended to better reflect RMA purpose and terminology. Any criteria which has been repeated multiple times throughout this policy has been deleted as | 1. Amend the assessment matters in 21.7.2 as follows: Delete the following from Policy 21.7.2.4; |

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| <p>development is likely to be visually prominent such that it detracts from private views;</p> <p>Policy 21.7.2.5 development, including access, is located within the parts of the site where they will be least visible from public and private locations;</p> <p>Policy 21.7.2.7 Cumulative effects of development on the landscape: Taking into account whether and to what extent any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has degraded landscape quality, character, and visual amenity values. The Council shall be satisfied; a. the proposed development will not further degrade landscape quality, character and visual amenity values, with particular regard to situations that would result in a loss of valued quality, character and openness due to the prevalence</p> | | <p>it may create ambiguities and skew the weighting of these particular matters for consideration.</p> <p>Policy 21.7.2.7 in particular is unclear and may create inconsistencies with case law and the approach for decision makers to have regard to the future environment, the permitted baseline, and cumulative effects of development. This is not an appropriate policy for a district plan and it should be removed from this section.</p> | <p>AND;</p> <p>b. the proposed development is likely to be visually prominent such that it detracts from private views;</p> <p>AND;</p> <p>Delete the following from Policy 21.7.2.5;</p> <p>development, including access, is located within the parts of the site where they will be least visible from public and private locations;</p> <p>Delete Policy 21.7.2.7;</p> |

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| <p>of residential or non-farming activity within the Rural Landscape.</p> <p>b. where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development, whether any further cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space.</p> | | | |
| <p>22 Rural Lifestyle Zone/ Rural Residential Zone</p> | | | |
| <p>Zone purpose</p> | <p>Support in part</p> | <p>The following additions are recommended in the zone purpose to recognise the primary purpose of this Zone.</p> <p>The purpose is also amended to reflect that an increased density providing for more than one dwelling per building platform will support the provision of rural living opportunities</p> | <p><u>Add the following to the Zone purpose:</u></p> <p><u>The provision of housing and land supply for housing in these zones recognises the significant growth and development pressures on accommodation in the District. Efficient and effective use of land in these zones for rural living will be encouraged.</u></p> |
| <p>Rural Lifestyle (zone purpose)</p> | <p>Support in part</p> | <p>The following is amended for the rural lifestyle zone purpose, for the same reasoning as identified above.</p> | <p>The Rural Lifestyle Zone provides for rural living opportunities, having a development density of one residential <u>dwelling platform</u> unit per hectare. With an overall density of one residential unit per two hectares across a</p> |

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| | | | <u>subdivision.</u> |
| Objective 22.2.1 | Support in part | The objective is worded in the form of a policy and should instead be amended as aspirational outcome to be achieved. Use of the word "avoid" creates too stringent a test and does not enable implementation of policies intended to enable rural living. | Amend Objective 22.2.1 as follows: Maintain and enhance <u>The district's landscape quality, character and visual amenity values are maintained and enhanced while enabling rural living opportunities in areas that can avoid detracting from absorb development within those landscapes are enabled</u> |
| Objective 22.2.2 | Support in part | The objective is worded in the form of a policy and should instead be amended as aspirational outcome to be achieved. | Amend Objective 22.2.2 as follows: Ensure the <u>Within the rural residential and rural lifestyle zones, predominant land uses are rural, residential and where appropriate, visitor and community activities.</u> |
| Policy 22.2.2.2 Any development, including subdivision located on the periphery of residential and township areas, shall avoid undermining the integrity of the urban rural edge and where applicable, the urban growth boundaries. | Oppose | This policy is unclear as the integrity of the urban rural edge is not defined or explained. Moreover the edge of the rural / rural residential zones is arbitrarily placed and does not provide for recognition of particular property boundaries and landscape values. | Delete Policy 22.2.2.2 |
| New policy 22.2.2.2 | Support | The following new policy is proposed to replace this policy to recognise the significant growth and development pressures being faced in the District and seeks to give effect to the higher order provisions in the Proposed Plan which relate to the efficient and effective use of land zoned for residential purposes. | <u>Encourage the efficient and effective use of land zoned for rural living purposes.</u> |
| Rule 22.5.1 All buildings, | Support in part | The permitted building materials and colours are supported in part, in particular rules 22.5.1.2 and 22.5.1.3 restricting the maximum reflectance | 1. Amend Rule 22.5.1 Building Materials and Colours as follows: <i>All buildings, including any</i> |

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| <p>including any structure larger than 5m², new, relocated, altered, reclad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding landscape:</p> <p>Exterior colours of buildings:</p> <p>22.5.1.1 All exterior surfaces shall be coloured in the range of black, browns, greens or greys;</p> <p>22.5.1.2 Pre-painted steel, and all roofs shall have a reflectance value not greater than 20%;</p> <p>22.5.1.3 Surface finishes shall have a reflectance value of not greater than 30%.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties. • Whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already | | <p>values of surfaces ad roofs are opposed. These rules are unduly restrictive to allow for the building of innovative materials such as solar panels and other green technologies.</p> <p>It is unclear whether the rule will capture materials that have no applied finishes such as locally sourced stacked stone, untreated wood, and unpainted concrete. This concern applies equally to the proposed standards relating to roof and walls colours. In terms of external finishes, this standard should be amended to relate to any material with or without any applied finish so as to capture the spectrum of possible material and colour combinations. Locally sourced stacked stone, such as schist, constructed in any number of ways (dry stacked, bagged, rendered, etc) may depending on light conditions fail to meet the very low reflectance standard of 30% for exterior finishes. The natural variation in this natural materials colour and types of construction techniques makes it very hard to determine such a value. However it is a material with a long associated tradition of use for building in central Otago and regarded as being a material that would contribute to a high quality finish. On that basis, this submission seeks to amend Rule 22.5.1 to ensure both the roof and external surfaces standards capture natural or manufactured materials that are treated or untreated together with an exemption relating to locally sourced stone (e.g. Schist).</p> <p>The rules are also contradictory to the higher level objectives and policies of this chapter and the strategic direction chapter which relate to the provision of a diverse supply of housing types, and other incentives for 'eco' home building.</p> | <p><i>structure larger than 5m², new, relocated, altered, reclad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding landscape:</i></p> <p><u><i>The Exterior colours of all buildings materials (treated, untreated, natural or manufactured, with or with any applied finish) shall be:</i></u></p> <p>22.5.1.1 All exterior surfaces shall be coloured in the range of black, browns, greens or greys;</p> <p>22.5.1.2 Pre-painted steel, and all roofs shall have a reflectance value not greater than 20% for roofs;</p> <p>22.5.1.3 Surface finishes shall have a reflectance value of not greater than 30% for all other external surfaces. Except that this rule shall not apply to any locally sourced stone (e.g. schist)</p> <p><u><i>These rules do not apply to any material or surface colours used inside any building.</i></u></p> <p><i>Discretion is restricted to all of the following:</i></p> <ul style="list-style-type: none"> • <i>Whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties.</i> • <i>Whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building.</i> <p>• <i>The size and height of the building where the subject colours would be applied.</i></p> |

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| <p>present on a long established building.</p> <ul style="list-style-type: none"> The size and height of the building where the subject colours would be applied. | | | |
| <p>Rule 22.5.3</p> <p>The maximum size of any building shall be 500m². Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> Visual dominance. The effect on open space, rural character and amenity. Effects on views and outlook from neighbouring properties. Building design and reasons for the size. | Oppose | <p>The Building size limitation of 500m² should be removed. There is no justification for limiting the size of buildings in this zone to half of what is provided for in a building platform, being 1000m²</p> <p>The effects of building a 500m² home as opposed to a 1000m² are similar. The visual dominance will not be adequately controlled through this rule as it will encourage higher home builds in many places.</p> <p>This rule is also contradictory to Objective 3.2.6.2 to <i>Ensure a mix of housing opportunities</i>.</p> <p>There is no justification in terms of sustainable management for this limitation. And there has been no alternative considered to this rule- the alternative suggested only related to providing for less development controls in the form of permitting a higher range of colours.</p> | 1. Delete Rule 22.5.3 |
| <p>Rule 22.5.12.1</p> <p>One residential Unit located within each building platform</p> | Oppose | <p>There is no justification for the limitation of one unit per building platform. As noted above the size of building platforms in this zone is large, and could provide for more innovative design of more than one dwelling within a building platform identified.</p> <p>This rule is contradictory to Objective 3.2.6.1 to <i>Ensure a mix of housing opportunities</i>. It is also contradictory to higher level objectives and policies relating to the provision of housing and land supply for housing, including policy 22.2.1.3 (rural lifestyle).</p> <p>No section 32 analysis has been undertaken in relation to these rules- the only alternative considered was to emulate the 'general rural lifestyle zone'. There is no justification for limiting density to one dwelling per building platform, where the maximum building platform is double the maximum building size. The provision for two dwellings within a building platform will be a more efficient and effective use of resources, as</p> | <p>1. Amend Rule 22.5.12.12 as follows:</p> <p>One Two residential Units located within each building platform</p> |

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| | | well as giving better effect to the overarching objectives and policies as noted above. | |
| Rule 22.5.12.2 On sites less than 2ha there shall be only one residential unit | Oppose | For the reasons identified above in respect of rule 22.5.12.2, there is no justification as to why two dwellings could not be constructed within one building platform. This rule has not been adequately considered in the section 32 report, nor have alternatives to provide for more than one unit been considered. | 1. Amend Rule 22.5.12.12 as follows: On sites less than 2ha there <i>shall be only one residential building platform.</i> |
| Rule 22.5.12.3. On sites equal to or greater than 2 hectares there shall be no more than one residential unit per two hectares on average. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares. | Oppose | There is no justification for the requirement for a 2 hectare average in this zone. This restriction does not meet the purpose of the RMA as it is not an efficient and effective use of land within the rural lifestyle zone which is established for rural living purposes and is a scarce land resource. This rule is contradictory to Objective 3.2.6.1 to <i>Ensure a mix of housing opportunities</i> . It is also contradictory to higher level objectives and policies relating to the provision of housing and land supply for housing, including policy 22.2.1.3 (Rural Lifestyle). The section 32 analysis does not adequately consider alternatives to the 2ha average rule- the only alternative considered was to emulate the 'general rural lifestyle zone'. The 2ha average is not considered in terms of the economic costs and benefits of utilising this residential land, as is required. The 2ha average rule should be reduced to a 1ha average. Reduction of the average would provide for a greater density and the most efficient and effective use of resources in this zone. This will allow for a range of flexible planning outcomes as an average size for subdivision anticipates that some lots may suitably be less than 1ha and some may be more, for example in light of topography and other natural characteristics of the land. | 1. Delete Rule 22.5.12.3; or 2. Amend Rule 22.5.12.3 as follows: On sites equal to or greater than 2 hectares there shall be no more than <i>one residential building platform per hectare</i> on average. For the purpose of calculating any average, any allotment greater than <u>2</u> hectares, including the balance, is deemed to be <u>2</u> hectares. |

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| | | In the alternative, if a 1ha average is not accepted, a minimum lot size of 1ha in the subdivision chapter should replace the need for this rule, and this rule be deleted. | |
| 27 Subdivision and development chapter | | | |
| Chapter 27 | Oppose | The difference in approach to subdivision between the Operative District Plan and the Proposed Plan is so significant that it is difficult to propose appropriate relief because a comprehensive re-write of the subdivision provisions is necessary to address the concerns raised in this submission. As a consequence of that difficulty, the primary relief requested in this submission is for the new Chapter 27 to be discarded and replaced by the existing Chapter 15 of the Operative District Plan. However it is recognised that the concerns raised in this submission could be addressed in a number of different ways provided that the primary status of subdivision in all zones (other than the Rural zone) reverts to controlled activity status. Therefore this submission seeks, by way of alternative relief, any outcome in the spectrum between the Operative District Plan Chapter 15 and the notified Proposed Plan Chapter 27 which achieves that primary controlled activity status outcome in an appropriate manner. This approach is deliberately being taken in this submission to provide scope and jurisdiction for a range of possible outcomes which would achieve the primary controlled activity status outcome being requested. | 1. Delete Chapter 27 and replace with the Queenstown Lakes District Council Operative District Plan -Chapter 15. |
| Chapter 27 (alternative submission) | | | |
| Rule 27.4.1 All subdivision activities are discretionary activities, except other stated | Oppose | Rule 27.4.1 is opposed for the general reasons expressed above. Changes are sought to this rule to ensure subdivision that complies with the relevant standards remains as a controlled activity. | 1. Amend Rule 27.4.1, as follows: <i>All subdivision activities are discretionary controlled activities, except as otherwise stated:</i> <i>Council's control is limited to:</i> <ul style="list-style-type: none"> • <i>Lot sizes, averages and dimensions</i> • <i>Subdivision design</i> • <i>Property access</i> • <i>Esplanade</i> |

| Provision | Support/ Oppose | Reason | Decision sought [New text shown as <u>underlined italics</u> and deleted text shown as <i>italics strike through</i>] |
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| | | | <p><u>provision</u></p> <ul style="list-style-type: none"> • <u>Natural hazards</u> • <u>Fire fighting water supply</u> • <u>Water supply</u> • <u>Stormwater disposal</u> • <u>Sewage treatment and disposal</u> • <u>Energy supply and telecommunication</u> • <u>Open space and recreation</u> • <u>Easements</u> • <u>The nature, scale and adequacy of environmental protection measures associated with earthworks</u> <p><u>All subdivision activities in the Rural Zone are Discretionary activities.</u></p> |
| 27 Subdivision - alternative relief | | | |
| Chapter 27 | Oppose | Chapter 27 is opposed for the reasons described above. | Amend Chapter 27 in such a manner, incorporating any combination of the objectives, policies and rules of the Operative District Plan Chapter 15 and the Proposed Plan Chapter 27, as is considered appropriate provided that the default subdivision consent status (if minimum standards are met) is controlled activity status. |
| New Rule 27.5.5 Boundary Adjustments | N/A | A new rule is sought to be inserted to enable boundary adjustments to be undertaken as a controlled activity. Boundary adjustments within the rural lifestyle zone and it is effective and efficient to retain a separate rule to enable this form of subdivision. | Insert new Rule 27.5.5 Boundary adjustments, as follows: <u>Where there are two or more existing lots which have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:</u> |

| Provision | Support/ Oppose | Reason | Decision sought [New text shown as <u>underlined italics</u> and deleted text shown as italics strike through] |
|---|--------------------|--|---|
| | | | <p>(i) the building platform is retained.</p> <p>(ii) no additional separately saleable lots are created.</p> <p>(iii) the areas of the resultant lots comply with the minimum lot size requirement for the zone.</p> |
| <p>Rule 27.5.1 – rural lifestyle minimum lot area</p> <p>One hectare providing the average lot size is not less than 2 hectares.</p> <p>For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.</p> | Oppose | <p>For the reasons identified above in relation to rule 22.5.12.3, there is no justification for the requirement for a 2 hectare average in this zone. This restriction does not meet the purpose of the RMA in that it is not an efficient and effective use of land within the rural lifestyle zone which is established for rural living purposes.</p> <p>This will create inconsistencies across the zone as future subdivision occurs on larger lots, but slightly smaller lots will not be able to achieve the same outcomes. The land in this Zone is capable of further intensification and development and is already identified as providing for rural living opportunities. A greater density than the 2ha average will provide for a better planning outcome through the effective use of resources and will give effect to the higher order policies and objectives in the Proposed Plan such as the provision of housing and land supply for housing, including policy 22.2.1.3 (Rural Lifestyle)</p> <p>The section 32 analysis does not adequately consider alternatives to the 2ha average rule- the only alternative considered was to emulate the 'general rural lifestyle zone'. Moreover the 2ha average is not considered in terms of the economic costs and benefits of utilising this residential land, as is required.</p> <p>The 2ha average rule should be reduced to a 1ha average.</p> <p>In the alternative, if a 1ha average is not accepted, a minimum lot size of 1ha in the subdivision chapter should replace the need for this rule, and this rule be deleted.</p> | <p>1. Amend Rule 27.5.1 as follows:</p> <p>One hectare providing the average lot size is not less than 2 hectares.</p> <p>For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.</p> <p><u>An average lot size of not less than 1 hectare.</u></p> <p><u>For the purpose of calculating any average, any allotment greater than 2 hectares, including the balance, is deemed to be 2 hectares.</u></p> <p>OR:</p> <p>2. 1. Amend Rule 27.5.1 as follows:</p> <p><u>One hectare</u></p> |
| Planning Map 30 | | | |
| Map 30 Lake Hayes | Oppose | <p>The location of the ONL boundary on this map is opposed.</p> <p>Parts of the Site contained within the ONL cannot be reasonably considered as an Outstanding Natural Landscape, and are not</p> | <p>1. Amend Map 30 as follows;</p> <p>Relocate the ONL as identified on the attached Map at Appendix 1.</p> |

| Provision | Support/ Oppose | Reason | Decision sought [New text shown as <u>underlined italics</u> and deleted text shown as <i>italics strike-through</i>] | | | | | | | | | |
|-------------------|---|---|--|---------|--|-----------------------|---------|--|---------------|-----------|---|---------------|
| | | assumed, as under an ONL classification, to be an 'open and natural landscape of minimal modification, natural plant patterns and indigenous species devoid of structures'. | | | | | | | | | | |
| Map 30 Lake Hayes | Oppose | <p>The Rural zoning of this Site is opposed for the following reasons:</p> <p>This Site cannot give effect to the objectives and policies of the rural zone which are focussed on the rural character and in particular supporting farming and other agricultural activities. The Site is not capable of economically viable farming and as such is not appropriately categorised as rural.</p> <p>Rezoning the Site as Rural Lifestyle would enable the most efficient and effective use of resources and would give effect to the purpose of sustainable management. Rezoning this land will acknowledge the particular characteristics of this area and the surrounding zones which are already affected by residential development. There are a number of identified building platforms and existing houses which characterises this area as a rural living area.</p> | <p>1. Amend Map 30 to:</p> <p>Rezone Site identified on the attached map (identified in green) at Appendix 1 as Rural Lifestyle.</p> | | | | | | | | | |
| New provisions | | <p>The following new provisions are proposed for the area identified above to be rezoned as Rural Lifestyle</p> <table border="1" data-bbox="528 1339 1417 2116"> <thead> <tr> <th data-bbox="528 1339 671 1368">Table 7</th> <th data-bbox="671 1339 1110 1368">Rural Lifestyle (Ladies Mile sub zone)</th> <th data-bbox="1110 1339 1417 1368">Non-compliance status</th> </tr> </thead> <tbody> <tr> <td data-bbox="528 1368 671 1529">22.5.39</td> <td data-bbox="671 1368 1110 1529"> Building restriction area: No buildings shall be located within 100m of State Highway 6 </td> <td data-bbox="1110 1368 1417 1529">NC</td> </tr> <tr> <td data-bbox="528 1529 671 2116">22.5.39.1</td> <td data-bbox="671 1529 1110 2116"> Any application for consent shall be accompanied by a landscaping plan which shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme. The landscape plan shall ensure that: <ul style="list-style-type: none"> • The border of the 100m setback building restriction area shall be planted to create a visual screen between SH 6 and any residential unit. • Any existing trees within the 100m building restriction area </td> <td data-bbox="1110 1529 1417 2116">NC</td> </tr> </tbody> </table> | | Table 7 | Rural Lifestyle (Ladies Mile sub zone) | Non-compliance status | 22.5.39 | Building restriction area: No buildings shall be located within 100m of State Highway 6 | NC | 22.5.39.1 | Any application for consent shall be accompanied by a landscaping plan which shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme. The landscape plan shall ensure that: <ul style="list-style-type: none"> • The border of the 100m setback building restriction area shall be planted to create a visual screen between SH 6 and any residential unit. • Any existing trees within the 100m building restriction area | NC |
| Table 7 | Rural Lifestyle (Ladies Mile sub zone) | Non-compliance status | | | | | | | | | | |
| 22.5.39 | Building restriction area: No buildings shall be located within 100m of State Highway 6 | NC | | | | | | | | | | |
| 22.5.39.1 | Any application for consent shall be accompanied by a landscaping plan which shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme. The landscape plan shall ensure that: <ul style="list-style-type: none"> • The border of the 100m setback building restriction area shall be planted to create a visual screen between SH 6 and any residential unit. • Any existing trees within the 100m building restriction area | NC | | | | | | | | | | |

| Provision | Support/ Oppose | Reason | Decision sought [New text shown as <i>underlined italics</i> and deleted text shown as <i>italics</i> strike-through] |
|-----------|--------------------|--|--|
| | | shall be removed to enhance views from SH6 | |
| | | <p>These suggested provisions recognise the ability of this land to absorb future development and subdivision, while providing for a large buffer zone between residential activity and the State Highway.</p> <p>Relief sought:</p> <p><i>Insert Table 7 above into the Rural Lifestyle Chapter (Ladies Mile Subzone)</i></p> | |

7. Further grounds for the submission points outlined in the above table are that:

- The section 32 evaluation does not establish that the provisions of the Proposed Plan addressed in this submission are most appropriate to achieve the purpose of the RMA. And the evaluation does not adequately assess alternative provisions, such as those proposed in this submission.

8. I wish to be heard in support of my submission.

9. I will consider presenting a joint case with others presenting similar submissions.

 23/10/15

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By their duly authorised agents

ANDERSON LLOYD

Per: W P Goldsmith

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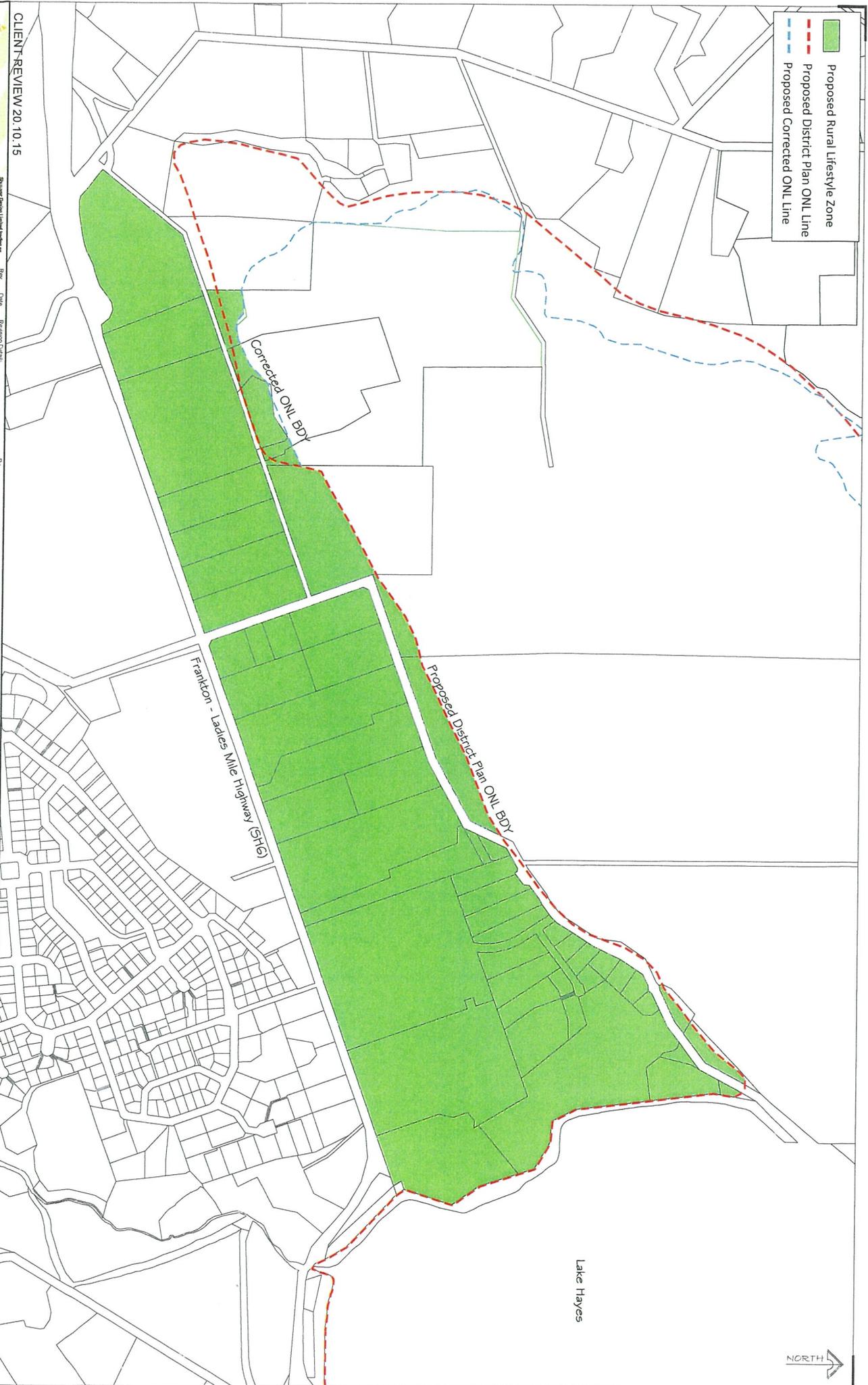
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Appendix 1- Proposed zoning and ONL amended

Proposed Rural Lifestyle Zone
 Proposed District Plan ONL Line
 Proposed Corrected ONL Line



Shalle 5 - Ladies Mile

CLIENT REVIEW 20.10.15

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PROPOSED ZONING
LADIES MILE QUEENSTOWN

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| Drawn | Spred | Date | Scale | Sheet No |
|----------|-------|----------|--------------|----------|
| RMG | | 01/01/14 | 1:4000 @ A1 | 05 |
| Designed | Spred | Date | Scale | Sheet No |
| | | | 1:8000 @ A3 | |
| | | | 1:2000 & MSL | |

Submission on Queenstown Lakes Proposed District Plan Stages 1 and 2

Under Clause 6 of the First Schedule, Resource Management Act 1991

To: Queenstown Lakes District Council

Submitter: Ladies Mile Consortium (c/o GW Stalker Family Trust, Mark Tylden, Sam Strain, Bill and Jan Walker Family Trust)

1. This is a submission on the Queenstown Lakes Proposed District Plan – Stages 1 and 2 (**Proposed Plan**)
2. The Ladies Mile Consortium (**Submitter**) could not gain a trade competition advantage through this submission (clause 6(4) of Part 1 of Schedule 1 of the RMA 1991).
3. The specific provisions that this submission relates to are: Chapter 24 Wakatipu Basin Variation (**Variation**), Chapter 27 Subdivision, Chapter 3 (Strategic Direction), Chapter 6 (Landscapes), Map 13d, and Map 30.

Introduction

4. This Submission is made in addition to the Submitter's Submissions on Stage 1 of the Proposed District Plan (#535 (G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain) and #532 (Bill and Jan Walker Family Trust)). Those Stage 1 Submitters had previously presented separate submissions requesting similar relief in respect of the rezoning of their respective properties on Ladies Mile. Each of those Submitters now presents a joint submission to stage 2 of the Proposed Plan and seeks leave to amend the original submissions as set out in this Submission. For the reasons set out in this Submission, there is considered jurisdiction to make this amendment and seeks leave of the Chair to accept the late submission for processing; and
5. If the amendment to the Stage 1 submissions is not accepted as requested above, the Submitter seeks inclusion of the land identified in Appendix 3 to the Wakatipu Basin Lifestyle Precinct. The land identified in Appendix 3 is the combined area of land requested to be rezoned in original submissions 535 and 532.

Reasons for the Submission – Part 1 (amendment to Stage 1 Submissions)

6. The Submitters requested in the Stage 1 submissions that part of the land identified in the submissions be rezoned from Rural as notified to Rural Lifestyle Zone (**RLZ**) or similar, subject to specific amendments to the provisions of the RLZ, and sought to amend the location of the notified ONL boundary (see green land in **Appendix 3**).

7. The Stage 1 submissions also requested that the RLZ as notified be amended to provide for a 1ha average density (as opposed to the 2ha average as notified), and to include 'Ladies Mile' specific provisions, including a building restriction area within 100m setback from State Highway 6 and the requirement to accompany any resource consent application with a landscaping plan.
8. Since the lodgement of the submissions in August 2015, significant changes have occurred to the planning regime affecting Ladies Mile. This includes the recently consented Queenstown Country Club development, the identification of the Ladies Mile land within the Council's lead policy for Special Housing Areas, the promulgation of the Wakatipu Basin Landscape Study, and the Variation to the Wakatipu Basin.
9. Collectively, these factors, as well as the significant time which has elapsed since Stage 1 notification, mean the landowners are now in very different positions leading into the rezoning hearings for this land. The Submitters therefore seek amendments to their original submissions so as to align their requested relief better with other plan changes occurring around them.
10. The particular amendments sought are as follows:

- a) Amend Rule 27.5.1 as follows:

4000m² average in the Rural Lifestyle (Ladies Mile sub zone)

- b) The following new provisions are proposed for the area identified in Appendix 3 to be rezoned (to replace the table in the Stage 1 Submissions):

| Table 7 | Rural Lifestyle (Ladies Mile sub zone) | Non-compliance status |
|---------|---|-----------------------|
| 22.5.39 | Building restriction area: No buildings shall be located within 25m of State Highway 6 | NC |

11. Given this submission is being lodged with other Stage 2 submissions, and will be notified (and therefore the subject of further submissions) there is no prejudice to any other persons if the Panel accepts this late submission.
12. The Panel is referred to its commentary of the case law in respect of section 37 (powers relating to waiving and extending time limits) detailed in its Minute dated 2 February 2017 as follows:

The most apposite guidance is provided in the Court's observation in Omaha Park Ltd v Rodney DC that the Act "encourages participation (in an orderly way, certainly) in the decision-making process, with the general philosophy that the possible

inconvenience, delays and costs caused are hopefully outweighed by better informed decision-making and better environmental outcomes”.

13. The Submitter therefore respectfully request's that the Panel accept this request for leave for formally amend Submissions 535 and 532.

Reasons for the Submission – Part 2 (inclusion in Wakatipu Basin Lifestyle Precinct)

14. Part 2 of this Submission requests that the land identified in green in Appendix 3 be rezoned Wakatipu Basin Lifestyle Precinct, subject to specific amendments to Chapter 24 (including Ladies Mile specific provisions). This part of the submission is made on the basis that this is 'on' the Variation as notified according to case law and therefore there is jurisdiction for the Council to accept the submission for the reasons as set below.

15. *The law – when submissions are 'on' a plan change in accordance with clause 6, Schedule 1*

- a) The wealth of case law on the concept of scope comes down, essentially, to questions of procedural fairness, and ensuring that the process of a plan change in dealing with amendments is fair to the parties submitting and the general public.
- b) The consideration of procedural fairness was discussed in the High Court case of *Motor Machinists Ltd v Palmerston North City Council*¹ That case was principally concerned with the issue of whether a submission was "on" a plan change, but Kós J examined that question in its context of the scope for amendments to plan changes as a result of submissions by reference to the bipartite approach taken in *Clearwater*, namely:

*The first limb in Clearwater serves as a filter, based on direct connection between the submission and the degree of notified change proposed to the extant plan. It is the dominant consideration. It involves itself two aspects: the breadth of alteration to the status quo entailed in the proposed plan change, and whether the submission then addresses that alteration.*²

¹ *Motor Machinists Ltd v Palmerston North City Council* [2013] NZHC 1290.

² *Ibid* at [80] with reference to *Clearwater Resort Ltd v Christchurch City Council HC Christchurch AP34/02, 14 March 2003.*

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That approach requires analysis as to whether, first, the submission addresses the change to the status quo advanced by the proposed plan change and, secondly, there is a real risk that persons potentially affected by such a change have been denied an effective opportunity to participate in the plan change process³

- c) In particular, his Honour noted that a core purpose of the statutory plan change process is to ensure that persons potentially affected by the proposed plan change are **adequately informed of what is proposed**. He observed:

[77] . . . It would be a remarkable proposition that a plan change might so morph that a person not directly affected at one stage (so as not to have received notification initially under clause 5(1A)) might then find themselves directly affected but speechless at a later stage by dint of a third party submission not directly notified as it would have been had it been included in the original instrument. It is that unfairness that militates the second limb of the Clearwater test.

- d) However, this approach does not set any absolute limit:

[81] . . . Yet the Clearwater approach does not exclude altogether zoning extension by submission. Incidental or consequential extensions of zoning changes proposed in a plan change are permissible, provided that no substantial further s 32 analysis is required to inform affected persons of the comparative merits of that change. Such consequential modifications are permitted to be made by decision makers under schedule 1, clause 10(2). Logically they may also be the subject of submission.

- e) The breadth of the Wakatipu Basin is significant and affects a large number of landowners in the District. The degree of notified change to the operative plan is significant, and this Variation represents a significant policy shift from the current planning regime. It is therefore more tolerable and expected that the nature and intent of the Variation may further evolve as it progresses through hearings. This supports the basis for the submission seeking rezoning of Ladies Mile land.
- f) As discussed at [81] above, there are circumstances where zoning extensions beyond a notified plan's boundaries are acceptable. The inclusion of Ladies Mile into the Basin Variation would logically fall within this category as the land in question is adjacent to, and surrounded by, other land which is included in the Variation. Moreover, Ladies Mile and its particular characteristics and suitability for residential zoning or otherwise are already discussed with the section 32 documents supporting the Variation. There is therefore no need for substantial further analysis of the type anticipated in the *Clearwater* approach.

³ Ibid, at [91]

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16. The Variation includes Ladies Mile LCU text

- a) When determining what submissions are 'on' the Variation, the entire Variation as notified must be considered as a whole in order to assess jurisdiction. In this instance, although the Variation maps purport to exclude the Ladies Mile land by identifying these areas as white rather than a rezoning colour, significant reference to Ladies Mile is made elsewhere in the text of the Variation.
- b) The Landscape Classification Units included as part of notified Chapter 24 form an intrinsic part of the new Zone and guide how subdivision and development is anticipated to occur in the future. Landscape Classification Unit 10 is specific to Ladies Mile (including all of the land coloured white). This description is particularly detailed of Ladies Mile, including the following detail on the opportunities and benefits of further development:

*The discreet nature of the western end of the unit makes it more suited to absorbing change.
Larger-scaled lots suggest the potential for subdivision whilst retaining generous setback from SH6.
Close proximity to Queenstown.
Close proximity to urban infrastructure.
Urbanising effects of the approved Queenstown Country Club SHA suggest a tolerance for (sensitive) urban
Development Potential for integration of walkways/ cycleways.
Riparian restoration potential (limited).*

And the conclusion that the Landscape Unit has a 'high' capability to absorb further development.

- c) When determining what is 'on' or 'in' a variation, one cannot only look to part of the Plan as notified (for example the maps), but must look at all notified documents.
- d) Part of Submission 535 is actually included in the Basin Variation (the eastern portion adjacent to Lake Hayes) and the Variation follows the boundary of notified ONL boundaries which the Submitter also sought to amend. It follows that logically, if part of the submission has been transferred to the Basin Variation, and part has not, the Submitter should have the opportunity to submit against this and seek to rezone its land either way.
- e) There will be no prejudice to the general public by allowing this submission to the Variation given that submissions will be notified for further submissions.

Summary of Relief

17. The Submitter seeks the following decision:

- a) Accept the Submitter's request for leave to amend the Stage 1 Submissions (535 and 532) as set out in this submission; or

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- b) If leave is refused, that the land identified in green in **Appendix 3** be rezoned as Wakatipu Basin Lifestyle Precinct, and that specific amendments be made to the Variation and other identified chapters of the Proposed Plan which achieve a similar integrated outcome for the Submitter's land as sought in its Stage 1 as detailed in this submission and Appendices; and
- c) Support a range of densities across different Wakatipu Basin Lifestyle Precinct areas, noting that the land identified in green in **Appendix 3** is suited to a 4000m² average density (identified as Precinct 'A') in **Appendix 1**; and
- d) The relief requested in paragraph 10 above.
- e) The Submitter further seeks any alternative or consequential changes/relief as necessary or appropriate be within scope for the Submitter to pursue in order to address the matters and outcomes identified in this Submission.

18. The Table below sets out a summary of the relief sought and specific reasons for amendments to provisions in the Proposed Plan. These amendments and other consequential and contextual amendments sought are shown in track changes identified to Chapter 24 and 27 included as **Appendix 1** and **2** to this Submission.

| Provision | Support/Oppose | Reasoning | Decision sought [New text shown as <i>underlined italics</i> and deleted text shown as italics struck-through] |
|--|--------------------|--|---|
| Chapter 3 –Strategic Direction (right of reply version) | | | |
| 3.2.5.4.3 New policy | Include new policy | The current policy 3.2.5.4.2 recognises the need to 'provide for rural living opportunities in appropriate locations'. This is the only positive policy which acknowledges the existence and benefits of rural living development. In light of the new objective and policy suite sought in Chapter 24, which further recognises the benefits of rural living development, it is important that this is also recognised at the strategic level. | 3.2.5.4.3 New Policy – <u>Recognise and provide for the amenity, social, cultural, and economic benefits of rural living development.</u> |
| 3.2.5.5 Objective - The character of the district's landscapes is maintained by ongoing agricultural land use and land management | Oppose | The Wakatipu Basin Variation acknowledges that the character of the Basin is not predominantly derived from agricultural practices any longer, and is rather a mixed character which has evolved through rural and rural living subdivision and development. Given the Wakatipu Basin Rural Amenity Zone (WBRAZ) and Wakatipu Basin Lifestyle Precinct (Lifestyle Precinct) are a subset of 'rural land' and this Objective is not exclusive to Rural zoned land, it is important that this preference for continued agricultural use is only favoured where that is central to landscape | 3.2.5.5 Objective - The character of the district's landscapes is maintained by ongoing agricultural land use and land management <u>where landscape character is derived from predominantly agricultural use.</u> |

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| | | | |
|---|---------------|---|--|
| <p>established pattern of housing on smaller landholdings. The landscape character of these areas has been modified by vehicle accesses, earthworks and vegetation planting for amenity, screening and shelter, which have reduced the open character exhibited by larger scale farming activities.</p> <p>While acknowledging these rural areas have established rural living and development there is limited capacity for sensitive and sympathetic housing and development in appropriate locations. A substantial amount of subdivision and development has been approved in these areas and the landscape values of these areas are vulnerable to degradation from further subdivision and development. It is realised that rural living development has a finite capacity if the District's distinctive rural landscape values are to be sustained</p> | | <p>character and amenity values are not predominantly derived from agricultural uses, but rather a historic and evolved pattern of rural living and other lifestyle uses. It is also recognised, by way of the Precinct zoning, that there are places which are able to absorb further rural living subdivision and development and this needs to be recognised at the descriptive level of this chapter.</p> | <p>established pattern of housing on smaller landholdings. The landscape character of these areas has been modified by vehicle accesses, earthworks and vegetation planting for amenity, screening and shelter, which have reduced the open character exhibited by larger scale farming activities.</p> <p>While Acknowledging these rural areas have established rural living and development, <u>and landscape character and amenity values are derived from that evolved land use</u>, there is limited capacity for <u>further</u> sensitive and sympathetic <u>subdivision</u> housing and development in appropriate locations <u>where this maintains and enhances existing landscape and amenity values</u>. A substantial amount of subdivision and development has been approved in these areas and the landscape values of these areas are vulnerable to degradation from further subdivision and development. It is realised that rural living development has a finite capacity if the District's distinctive rural landscape values are to be sustained <u>has benefits for the District and can also maintain and enhance rural landscape values where this is located in areas which have the ability to absorb further subdivision and development</u></p> |
| <p>Policy 6.3.2 That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations within the Wakatipu Basin, and inappropriate in many locations throughout the District wide Outstanding Natural Landscapes</p> | <p>Oppose</p> | <p>The Wakatipu Basin does not include ONF/ONL zoned land and is therefore not intended to be captured by this policy.</p> <p>The statement that subdivision and development is inappropriate in almost all locations in the Wakatipu Basin is in direct contradiction to the WBRAZ and precinct provisions which provide for an effects-based approach to further development.</p> | <p>Policy 6.3.2 That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations within the Wakatipu Basin, and inappropriate in many locations throughout the District wide Outstanding Natural Landscapes</p> |

| | | | |
|--|--|--|--|
| <p>Policy 6.3.1.5 Encourage Rural Lifestyle and Rural Residential Zone plan changes in preference to ad-hoc subdivision and development and ensure these occur in areas where the landscape can accommodate change</p> | | <p>There is no lower order policy support in the Precinct or rural living zones for a preference to direct plan changes over resource consent applications for further development.</p> | <p>Policy 6.3.1.5 Encourage <u>rural living Rural Lifestyle Zone and Rural Residential Zone</u> plan changes in preference to ad-hoc subdivision and development and ensure these <u>where this</u> occurs in areas where the landscape can accommodate change</p> |
| <p>New Policy 6.3.1.x</p> | | <p>Currently this policy suite provides for the protection of rural amenity values from further rural living subdivision and development, however does not recognise specific amenity benefits of this development, as requested to be included in Chapter 24.</p> <p>New policy recognition is required within Chapter 6 which specifically recognises the Wakatipu basin distinct character, its separate development and subdivision regime, and the benefits of the same.</p> | <p>New Policy 6.3.1.x - <u>Recognise the distinctive character of the Wakatipu Basin and the amenity benefits of rural living development in this area.</u></p> |
| <p>Variation to Stage 1 Landscapes Chapter 6:</p> <p>Part 6.2 Values - Last paragraph: Delete. Landscapes have been categorised into three classifications within the Rural Zone. These are Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF), where their use, development and protection are a matter of national importance under Section 6 of the RMA. The Rural Landscapes Classification (RLC) makes up the remaining Rural Zoned land and has varying types of landscape character and amenity values. Specific policy and assessment matters are provided to manage the potential effects of subdivision and development in these locations.</p> <p>Part 6.4 Rules - Amend: 6.4.1.2 The landscape categories apply only to the Rural Zone. The Landscape</p> | | <p>It is not efficient to assess development in all zones not zoned rural against landscape classification objectives, policies and assessment matters. Those zones have been assumed to particularise landscape issues where they are relevant within the lower order chapter.</p> <p>Rural living zones including the Lifestyle Precinct are areas which by their definition are considered to be able to absorb some effects of further subdivision and development. Those chapters already particularise landscape concerns and it is unnecessary to require further assessment against the entirety of Chapter 6.</p> | <p>Variation to Stage 1 Landscapes Chapter 6:</p> <p>Landscapes have been categorised into three classifications within the Rural Zone. These are Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF), where their use, development and protection are a matter of national importance under Section 6 of the RMA. The Rural Landscapes Classification (RLC) makes up the <u>majority of the remaining Rural Zoned land (except for Rural Residential, Rural Lifestyle, and Wakatipu Basin Lifestyle Precinct zones)</u> and has varying types of landscape character and amenity values. Specific policy and assessment matters are provided to manage the potential effects of subdivision and development in these locations.</p> <p>Part 6.4 Rules - Amend: 6.4.1.2 <u>The landscape categories apply</u></p> |

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| <p>Chapter and Strategic Direction Chapter's objectives and policies are relevant and applicable in all zones where landscape values are at issue.</p> <p>6.4.1.3 The landscape categories assessment matters do not apply to the following within the Rural Zones:</p> <p>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. d. The Rural Lifestyle Zone. e. The Rural Residential Zone</p> | | | <p><u>only to the Rural Zone, with the exception of the following areas in the Rural Zones:</u> The Landscape Chapter and Strategic Direction Chapter's objectives and policies are relevant and applicable in all zones where landscape values are at issue.</p> <p>6.4.1.3 The landscape categories assessment matters do not apply to the following within the Rural Zones:</p> <p>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. d. The Rural Lifestyle Zone. e. The Rural Residential Zone <u>f. The Wakatipu Basin Lifestyle Precinct</u></p> |
| <p>Chapter 21 (Rural Zone – Assessment matters Right of Reply)</p> | | | |
| <p>21.7.2 – 21.7.3 RLC Assessment Matters</p> | | <p>If the submission above is not accepted and the landscape categories (including assessment matters) are applied to all zones, including the WBRAZ, then further amendments are required as set out.</p> <p>Further additions to RLC assessment matters are required to be included given Chapter 6 was promulgated without the Wakatipu Basin variation in mind. These additions recognise the specific and different character of the Basin, and the intention that further development in this Zone be led by an effects-based planning approach which is primarily guided by detailed landscape classification units.</p> | <p>21.7.2.3 Effects on landscape quality and character</p> <p>c. whether the design and any landscaping would be compatible with or would enhance the quality and character of the Rural Landscape <u>and the characteristics identified in the applicable Landscape Classification Units (for development within the Wakatipu Basin Rural Amenity Zone).</u></p> <p>21.7.2.4 Effects on visual amenity</p> <p>Whether the development will result in a loss of the visual amenity of the Rural Landscape, having regard to whether and the extent to which:</p> <p>...</p> |

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| | | | <p><u>g. the proposed development complements existing landscape character and development patterns and characteristics as described in the applicable Landscape Classification Units (for development within the Wakatipu Basin Rural Amenity Zone).</u></p> <p>21.7.3.3 other factors and positive effects, applicable in all the landscape categories</p> <p>---</p> <p><u>g. Whether the proposed development provides for rural living opportunities in areas which are capable of absorbing effects of further rural living subdivision and development.</u></p> |
| Chapter 24 – Wakatipu Basin | | | |
| Chapter 24 and Stage 2 Map 13d – Wakatipu Basin Rural Amenity Zone | Oppose | <p>The proposed zoning under the Wakatipu Basin Variation as set out in Chapter 24 is opposed in full. The proposed zoning does not sufficiently take into consideration the actual character and current utilisation of land in the Basin, and inappropriately zones certain areas as Rural Amenity Zone while in reality they are of a Lifestyle Precinct character. There is a mismatch between the limitations enforced under the proposed zones, and the use and general character of the land in practice.</p> <p>This proposed zoning should take into consideration the actual character and practical use of the land, through comprehensive landscape assessment. The Submitter's land is capable of absorbing further development of a nature anticipated in the Lifestyle Precinct.</p> | <p>1. <i>Amend Chapter 24:</i> As per the amendments set out in Appendix 1.</p> <p>2. <i>Amend Map 13d:</i> So that the Submitter's land is identified as Wakatipu Basin Lifestyle Precinct 'A' with the amended provisions as set out in Appendix 1 and 2.</p> |
| Stage 2 Map 13d | Oppose | <p>The zoning boundary of the Rural Amenity Zone and Lifestyle Precinct is opposed.</p> <p>The land along Lower Shotover Road and lower parts of Slope Hill Road opposite the Hawthorne Triangle should be zoned as Lifestyle Precinct.</p> <p>The proposed zoning of this area as Rural Amenity ignores the established character of the land and its current utilisation by land</p> | <p>Amend Map 13d to: Rezone the land identified in green in Appendix 3 as Wakatipu Basin Rural Lifestyle Precinct A:</p> |

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| | | <p>owners. Zoning should be consistent with the activities currently carried out on the land and the needs associated with those activities.</p> <p>Zoning the area as Lifestyle Precinct would enable future development that is an efficient and effective use of this land resource.</p> | |
| <p>Rule 24.4.5</p> <p>The construction of buildings including exterior alteration to existing buildings including buildings located within an existing approved/registered building platform area.</p> | Oppose | <p>It is unreasonable to require restricted discretionary activity resource consent for building construction and alterations on pre-approved building platforms.</p> <p>This activity is a controlled activity under the Queenstown Lakes Operative District Plan. QLDC's Proposed District Plan Fact Sheet 07 – Residential Buildings in Rural Areas, specifically noted that requiring resource consent 'to construct or alter a building located within an approved building platform' is 'considered inefficient' 'because the merits of whether a building is appropriate in that location has already been considered as part of the original resource consent to identify the building platform'.</p> <p>The proposed change to restricted discretionary status is in direct contradiction to QLDC's previous section 32 analysis on Stage 1, and is generally illogical, for the reasons pointed out by QLDC themselves.</p> | Amend Rule 24.4.5 so this is a permitted activity as under the PDP as notified |
| New Rules sought | | New rules as set out in Appendix 1 are sought to be included which reflect and retain the discretionary regime established under the Operative District Plan, in particular, the identification of building platforms through subdivision. | <p>1. <i>Amend Chapter 24:</i></p> <p>As per the amendments set out in Appendix 1.</p> |
| <p>Table 24.3 standards</p> <ul style="list-style-type: none"> • Building coverage; • Setbacks from internal and Roadside boundaries; • Setbacks from landscape features; • Heights of buildings; and • Protection of amenity trees. | Oppose | <p>Various standards identified in chapter 24 seek to remove or reduce the extent of existing landowner rights in the Wakatipu Basin.</p> <p>These rights include:</p> <ul style="list-style-type: none"> • building coverage; • setbacks from internal and roadside boundaries; • setbacks from landscape features; • heights of buildings; and • protection of amenity trees. <p>There is no justification identified in the Variation and supporting section 32 analysis which supports removing rights pertaining to</p> | <p>1. <i>Amend Chapter 24:</i></p> <p>As per the amendments set out in Appendix 1.</p> |

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| | | these standards. The matters of discretion associated with a breach of those standards ensures that design outcomes complement the existing character of an area already. Rules protecting amenity trees have been removed given this is ultra vires the tree protection rules in section 76 of the RMA | |
| Chapter 27 – Subdivision | | | |
| Rule 27.5.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less than the minimum specified. | Oppose | A stepped average density approach for different Precinct areas is supported as this seeks to achieve variation in subdivision design and layout, rather than implementing average lot sizes. | Delete Rule 27.5.1 and replace with a discretionary subdivision regime which will allow for an effects based approach in the Amenity Zone. Amend Rule 27.5.1 to provide for sub-precinct zones which have a range of densities, reflecting historical development patterns and ability for landscape to absorb further change as set out in Appendix 2. |

19. Section 32 Analysis

- The section 32 analysis purporting to exclude Ladies Mile from the Variation is not sufficiently detailed or justified to inform the lay submitter as to whether that land is in fact excluded from the Variation. The section 32 report contains the following explanation:

The Council is currently progressing plans to carefully manage urban development in this area, to address the above issues and to address the need to facilitate urban growth in the future in suitable locations such as this in an efficient way. Other factors include that it may be subject to a Special Housing Area Application or a future detailed plan variation. More detailed assessment of a range of factors such as transport infrastructure capacity is required in order to complete a detailed plan change for this area.

- The hypothetical future development to be progressed by private landowners is not justification for exclusion of a particular area of land for rezoning. The assessment of whether an area of land should be rezoned must be considered against higher order objectives of the PDP and the purpose of the Act.
- The purpose of the Act is better achieved by rezoning the Submitter's land Wakatipu Basin Lifestyle Precinct 'A', or similar, subject to the proposed modifications to the Plan as sought in this submission.

20. I wish to be heard in support of my submission.

21. I will consider presenting a joint case with others presenting similar submissions.



Ladies Mile Consortium
Signed by its duly authorised agents
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Appendix 1 – Proposed amendments to Chapter 24 – Wakatipu Basin

24. Wakatipu Basin

24.1 Purpose

This chapter applies to the Wakatipu Basin Rural Amenity Zone (the Zone) and Wakatipu Basin Lifestyle Precinct (the Precinct) ~~which is part of the Zone~~. The purpose of the Zone is to ~~protect~~, maintain and enhance the ~~particular-established~~ character and amenity ~~values~~ of the ~~rural Wakatipu Basin~~ landscape which distinguishes the Wakatipu Basin from other parts of the District that are zoned Rural.

A primary focus of the Zone is on ~~protecting~~, maintaining and enhancing ~~rural the~~ landscape and amenity values ~~of the Basin, while noting that productive farming is not a dominant activity in the Wakatipu Basin which have been derived from a mix of rural and lifestyle activities, while accepting that productive farming is not a dominant activity in the Wakatipu Basin. To achieve the purpose of the Zone a minimum lot size of 80 hectares is required if subdividing and all buildings except small farm buildings in the Zone require resource consent as a means to~~. Within the Zone, Landscape Classification Units (LCUs) are identified which further particularise the landscape ~~values of those areas to provide a basis for assessment of the effects of any further subdivision and development and to ensure~~ rural landscape character and visual amenity outcomes are fulfilled ~~for that LCU and the wider Zone~~.

A wide range of supportive activities that rely on and seek to locate within the ~~rural landscape resource~~ ~~Wakatipu Basin~~ are contemplated in the Zone, including rural living ~~at a variety of low~~ densities, recreation, commercial and tourism activities as well as enabling farming and farming related activities. There are also ~~some~~ established industrial type activities that are based on rural resources or support rural type activities.

Land within the District is subject to natural hazards and, where applicable, it is anticipated that development will recognise and manage the risks of natural hazards at the time of subdivision and applications for resource consent for buildings.

Within the Zone, variations in landscape character support higher levels of development in identified ~~Wakatipu Basin Lifestyle Precinct~~ areas. The Precinct provides for ~~rural~~ residential living opportunities within areas where additional development can be absorbed without ~~detracting from the resulting in inappropriate adverse~~ landscape and visual amenity ~~values-effects of the on the Precinct character and and the wider landscape character and amenity values of the wider Zone and its surrounding~~ landscape context.

There is a diversity of topography and landscape character within the Precinct that has a variety of existing lot sizes and patterns of development. The Precinct ~~incorporates-enables~~ a range of rural ~~lifestyle-living type~~ developments, generally characterised as low-density residential development on rural land. ~~These sites include scattered rural residential, farmlet and horticultural sites~~. Existing vegetation including shelter belts, hedgerows and exotic amenity plantings characterise the Precinct.

While the Zone and Precinct do not contain Outstanding Natural Features or Landscapes, they do contain part of the District's distinctive and high amenity value landscapes and are located adjacent to or nearby Outstanding Natural Features and Landscapes. Some land within the Precinct has been identified as being of particular landscape sensitivity. ~~A rule requiring a setback of buildings and development from these identified landscape features as shown on the planning maps requires that an assessment is undertaken to ensure the values of these landscapes are maintained~~.

Development within the Zone or Precinct that is adjacent to or nearby Outstanding Natural Features or Landscapes is to be managed to ensure that the Outstanding Natural Features or Landscapes are protected from inappropriate subdivision, use and development. ~~While there are~~

Comment [AL1]: It is important to recognise that the special character and amenity of the Basin is derived from rural living and development which has occurred over the lifetime of the ODP. It is this domestication in the landscape which creates a varied and manicured environment which is valued by residents and visitors. Appropriately describing the existing environment is critical for the basis of sound planning decisions moving forward.

Comment [AL2]: This method has been added into the purpose description as the LCU's can act as guidelines for subdivision and development and are central to determinations of whether and to what extent particular areas can accommodate further development effects, and those areas which cannot.

Comment [AL3]: Low density implies LDR Zone or one type of density across the Basin, but in reality the existing rural living patterns are greatly varied.

Comment [AL4]: This rule has been removed given a 50m setback provision as identified, in all instances, is not justified. The ONLF provisions within Chapters 3 and 6 are stringently applied to subdivision such that their outstanding values are protected on a case by case basis. There are many instances where location of buildings within 50m of an ONLF would not otherwise undermine that landscape.

Requiring a setback of 50m for buildings, but not controlling other domestic elements such as planting and fences in the same way is arbitrary and would lead to incremental creep into the ONLF which would be more likely to undermine that landscape.

The first part of this sentence is retained as the policy support for protection of adjacent ONLFs is not opposed.

~~not specific setback rules for development in relation to Outstanding Natural Features or Landscapes, all buildings except small farm buildings and subdivision require resource consent. Discretion is provided to manage the effects of subdivision, use and development on any adjacent or nearby Outstanding Natural Feature or Landscape, as well as managing the effects on landscape character and visual amenity values within the Zone and Precinct.~~

Comment [AL5]: This has been deleted due to unnecessary detail and repetition within the Purpose section

In the Precinct, ~~a limited opportunity for subdivision for rural living activities is provided for with a range of minimum densities which reflect existing use rights, historical zoning, and landscape sensitivities in particular areas, with a minimum lot size of 6000m² in conjunction with an average lot size of one hectare (10,000m²). This approach recognises different characteristics between different Precinct areas and also differentiates the Precinct from the Zone.~~ Controls on the location, nature and visual effects of buildings are used to provide a flexible and ~~design led effects - based~~ response to the landscape character and visual amenity qualities of the Precinct.

Comment [AL6]: This reflects the intention of the incorporation of LCUs into decision making to ensure that the particular characteristics which are required to be protected are recognised within an LCU, as distinct from those areas which can accommodate further development. Removal of the blanket density regime also allows for variation in development potential between different LCUs and different areas of Precinct zoning according to their landscape sensitivity. Variation in density is further discussed in the amendments to chapter 27.

Building location, access, services, earthworks, landscaping, infrastructure and natural hazards are managed through the identification of suitable building platforms at the time of subdivision. These matters as well as the bulk and location, building design and finish may also be ~~assessed controlled by way of conditions~~ at the time of obtaining resource consent for a building.

Pursuant to Section 86B (3) of the Act the following rules have immediate legal effect:

- **Rule 24.4.21 Activities on or over the surface of waterbodies.**
- **Rule 24.5.7 Setback of buildings from waterbodies.**
- **Rule 24.5.12 Grazing of animals in or on the margin of waterbodies.**

24.2 Objectives and Policies

Objectives 24.2.1 to 24.2.54 and related policies apply to the Zone and Precinct. Objective 24.2.65 and related policies apply to the Precinct only.

24.2.1 Objective - Landscape and visual amenity values are protected, maintained and enhanced.

Policies

24.2.1.1 ~~Implement minimum and average lot sizes within the Wakatipu Basin Rural Amenity Zone and the Wakatipu Basin Lifestyle Precinct to protect landscape character and visual amenity values. Assess all applications for subdivision and development against the relevant Landscape Classification Units described in Schedule 24.8.~~

~~24.2.1.2 Recognise that the amenity and landscape characteristics of the Zone are derived from historical rural and rural living subdivision and development.~~

~~24.2.1.2~~

24.2.1.3 Ensure subdivision and developments ~~are is~~ designed (including accessways, services, utilities and building platforms) to minimise ~~inappropriate~~ modification to the landform, and maintain and enhance the landscape character and visual amenity values.

24.2.1.4 Ensure that subdivision and development maintains and enhances the Wakatipu Basin landscape character and visual amenity values identified for the ~~the~~ Landscape Character Units as described in Schedule 24.8.

24.2.1.5 Maintain and enhance the landscape character and visual amenity values associated with the Zone ~~and Precinct~~ and surrounding landscape context by controlling the

Comment [AL7]: Ensuring the key policy for maintaining landscape values is the assessment of LCU's will provide for an effects based planning approach, which appropriately responds to development potential of each particular area.

Comment [AL8]: It is important to recognise amenity in the Basin is derived not only from pastoral land use, but also a varied form and pattern of rural living development which has evolved over time.

Comment [AL9]: The introduction of built form will usually have the effect of modification of the landscape but not all such modification will be inappropriate.

colour, scale, form, coverage, location (~~including setbacks from boundaries and from Identified Landscape Features~~) and height of buildings and associated infrastructure, vegetation and landscape elements.

24.2.1.6 Require all buildings to be located and designed so that they do not compromise the qualities of adjacent or nearby Outstanding Natural Features and Outstanding Natural Landscapes, or of identified landscape features.

24.2.1.7 Ensure ~~the scale and location of~~ non-residential activities ~~avoid maintains and enhances~~ ~~adverse effects on the~~ landscape character and visual amenity values.

24.2.1.8 Control earthworks and vegetation clearance so as to minimise adverse ~~changes~~ ~~to effects on the~~ landscape character and visual amenity values.

~~24.2.1.9 Ensure land use activities protect, maintain and enhance the range of landscape character and visual amenity values associated with the Zone, Precinct and wider Wakatipu Basin area.~~

~~24.2.1.10~~ 24.2.1.9 Provide for activities that maintain a sense of openness and spaciousness in which ~~buildings built form are subservient to complements~~ natural landscape elements.

~~24.2.1.11~~ 24.2.1.10 Facilitate the provision of walkway, cycleway and bridle path networks.

~~24.2.1.12~~ 24.2.1.11 Manage lighting so that it does not cause ~~adverse-inappropriate~~ glare to other properties, roads, public places or the night sky.

~~24.2.1.13~~ 24.2.1.12 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua ~~as set out in Chapter 5.~~

24.2.2 Objective – Existing development rights and additional rural living opportunities are recognised and provided for

~~24.2.2.1 Recognise and provide for existing and consented rights to carry out land-use activities and to erect and use buildings.~~

~~24.2.2.2 Recognise and provide for the social, cultural, and economic benefits derived from rural living subdivision and development, including:~~

- ~~• The enjoyment of rural living amenities by residents and visitors~~
- ~~• The opportunity for rural living opportunities within close proximity to employment and social opportunities in town centres;~~
- ~~• The diversification of land use where farming is no longer viable or economically productive;~~
- ~~• The onsite and offsite employment opportunities generated by subdivision, construction, landscaping, property maintenance and related activities;~~
- ~~• The efficient and effective use of a finite rural land resource;~~

Comment [AL10]: The avoid wording of this provision would not otherwise allow for the establishment of any non-residential activities. Many such activities rely on the rural land resource and contribute positively to the amenity of the Basin, e.g. cellar door operations.

Comment [AL11]: This is deleted as is a repetition of 24.2.1.3 and 24.2.1.4 above

Comment [AL12]: The intention of this new objective and policy suite is to specifically recognise the benefits associated with further rural living subdivision and development within the Basin. Post King Salmon, applications for consent are assessed primarily against the provisions of the Plan, and short of any validity of the plan are not assessed directly against Part 2. Therefore, if a Plan does not provide for the positive and enabling elements of Part 2, these are not otherwise considered in the case of resource consents. The Plan may also otherwise be argued to be 'incomplete' for this same reason.

Comment [AL13]: Existing rights within the Basin are critical to many landowners who have invested and developed their land on the basis of controlled activity rights. It is an efficient use of planning resources to reduce uncertainty and consenting requirements.

Comment [AL14]: Each of the benefits listed are tangible and have positive impacts on the Wakatipu and wider District. It is equally legitimate to recognise and provide for these benefits as part of the enabling aspect of section 5 of the RMA as it is to provide for landscape protection as in the above policy suite.

24.2.224.2.3 Objective – Non-residential activities are compatible with infrastructure, and maintain and enhance landscape character and amenity values.

Policies

~~24.2.2.1~~ ~~24.2.3.1~~ ~~Support~~ Provide for a range of non-residential activities, including commercial, recreation and tourism related activities which rely on the rural land resource and where these activities protect, maintain or enhance the landscape character and visual amenity values identified in the relevant Landscape Classification Unit.

~~24.2.2.2~~ ~~24.2.3.2~~ Ensure traffic, noise and the scale and intensity of non-residential activities do not adversely impact on the landscape character and visual amenity values or affect the safe and efficient operation of the roading and trail network or access to public places.

~~24.2.2.3~~ ~~Restrict the type and intensity of non-residential activities to those which are compatible in visual amenity terms and in relation to other generated effects (e.g. traffic, noise, and hours of operation) with surrounding uses and the natural environment.~~

~~24.2.2.4~~ ~~24.2.3.3~~ Ensure traffic generated by non-residential development does not individually or cumulatively compromise road safety or efficiency.

~~24.2.2.5~~ ~~Ensure non-farming activities with potential for nuisance effects from dust, visual, noise or odour effects are located a sufficient distance from formed roads, neighbouring properties, waterbodies and any residential activity.~~

~~24.2.2.6~~ ~~24.2.3.4~~ Ensure informal airports are located, operated and managed to maintain the surrounding rural amenity, having regard to the differing densities of the Zone and Precinct.

24.2.324.2.4 Objective – Reverse sensitivity effects are avoided or mitigated where rural living opportunities, visitor and tourism activities, community and recreation activities occur.

Policies

~~24.2.3.1~~ ~~24.2.4.1~~ Ensure ~~informal~~ airports are not compromised by the establishment of incompatible activities.

~~24.2.3.2~~ ~~24.2.4.2~~ Ensure reverse sensitivity effects on residential lifestyle and non-residential activities are avoided or mitigated.

~~24.2.3.3~~ ~~24.2.4.3~~ Support productive farming activities such as agriculture, horticulture and viticulture in the Zone by ensuring that reverse sensitivity issues do not constrain productive activities.

24.2.424.2.5 Objective - Subdivision and ~~land use~~ development maintains and enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure.

Policies

~~24.2.4.1~~ ~~24.2.5.1~~ Avoid adverse cumulative impacts on ecosystem services and nature conservation values.

Comment [AL15]: Deleted as there is no justification for compatibility or comparability of non-residential activities. This could often not be achieved in most instances of non-residential activities given the different scale and nature of effects generated from non-residential use. , e.g. in the instance of a commercial cellar door operation, traffic and bulk and location effects are unlikely to be comparable to those of existing uses in the Basin. This is also a repetition of the reverse sensitivity concerns addressed in 24.2.3.2 above.

Comment [AL16]: Deleted as repetition of 24.2.3.2 above

~~24.2.4.2~~ ~~24.2.5.2~~ Provide for improved public access to and the maintenance and enhancement of the margins of waterbodies including Mill Creek and Lake Hayes.

~~24.2.4.3~~ Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.

~~24.2.4.4~~ Ensure development does not generate servicing and infrastructure costs that fall on the wider community.

~~24.2.4.5~~ ~~24.2.5.3~~ Ensure development infrastructure is self sufficient and does not exceed capacities for infrastructure servicing. Ensure development infrastructure and servicing is provided in accordance with the provisions as set out in Chapter 27.

~~24.2.4.6~~ ~~24.2.5.4~~ Ensure that other utilities including regionally significant infrastructure are located and operated to maintain landscape character and visual amenity values, having regard to the important function and location constraints of these activities.

Comment [AL17]: The provisions of Chapter 27 are comprehensive for subdivision development infrastructure. Consolidating this assessment here will simplify the planning regime.

~~24.2.5~~ ~~24.2.6~~ **Objective - The landscape character and visual amenity values of the Precinct are maintained and enhanced in conjunction with enabling rural residential living opportunities.**

Objective 24.2.65 and policies 24.2.65.1 to 24.2.65.6 apply to the Precinct only.

Policies

~~24.2.5.1~~ ~~24.2.6.1~~ Provide for rural residential subdivision, use and development ~~only~~ where it protects, maintains or enhances the landscape character and visual amenity values as described within the ~~the~~ Landscape ~~Character~~ ~~Unit~~ as defined in Schedule 24.8.

~~24.2.5.2~~ ~~24.2.6.2~~ Promote design-led and innovative patterns of subdivision and development that maintain and enhance the landscape character and visual amenity values of the Wakatipu Basin overall.

~~24.2.5.3~~ ~~24.2.6.3~~ 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.

~~24.2.5.4~~ ~~24.2.6.4~~ Implement minimum ~~and~~ average lot size standards in conjunction with building coverage and height standards ~~so that the landscape character and visual amenity qualities of the Precinct are not compromised by cumulative adverse effects of development to enable development and variation in subdivision design and layout which reflects the characteristics identified in the applicable Landscape Classification Units.~~

~~24.2.5.5~~ Maintain and enhance a distinct and visible edge between the Precinct and the Zone.

~~24.2.5.6~~ ~~24.2.6.5~~ ~~Retain~~ Encourage the retention of established 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.

Comment [AL18]: The intention of an average lot size is not to reduce cumulative effects, but to encourage variation in subdivision design

24.3 Other Provisions and Rules

24.3.1 District Wide

Attention is drawn to the following District Wide chapters.

| | | |
|-------------------------|---|---|
| 1 Introduction | 2 Definitions | 3 Strategic Direction |
| 4 Urban Development | 5 Tangata Whenua | 6 Landscapes |
| 25 Earthworks | 26 Historic Heritage | 27 Subdivision |
| 28 Natural Hazards | 29 Transport | 30 Energy and Utilities |
| 31 Signs | 32 Protected Trees | 33 Indigenous Vegetation and Biodiversity |
| 34 Wilding Exotic Trees | 35 Temporary Activities and Relocated Buildings | 36 Noise |
| 37 Designations | Planning Maps | |

24.3.2 Advice Notes

- 24.3.2.1 A permitted activity must comply with all of the rules and any relevant district wide rules.
- 24.3.2.2 The surface of lakes and rivers are zoned Rural, unless otherwise identified on the Planning Maps as zoned Wakatipu Basin Rural Amenity Zone.
- 24.3.2.3 Guiding Principle: Previous Approvals
 - a. Requirements relating to building platforms and conditions of consents, including landscaping or other visual mitigation, that are registered on a site’s computer freehold register as part of a resource consent approval by the Council are considered by the Council to remain relevant and will remain binding unless altered or cancelled.
 - b. Applicants may apply to alter or cancel any conditions of an existing resource consent as a component of an application for resource consent for development. Whether it may be appropriate for the Council to maintain, or to alter or cancel these conditions shall be assessed against the extent to which a proposal accords with the objectives and provisions of the Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct.
- 24.3.2.4 These abbreviations for the class of activity status are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

| | | | |
|----|---------------|----|--------------------------|
| P | Permitted | RD | Restricted Discretionary |
| D | Discretionary | NC | Non-Complying |
| PR | Prohibited | | |

~~24.3.2.5 Clarifications of the meaning of root protection zone, minor trimming of a hedgerow, minor trimming and significant trimming are provided in Part 32.3.2 of the Protected Trees Chapter 32.~~

Comment [AL19]: Reference to this proposed rule have been deleted due to this being ultra vires s76 RMA

24.3.3 General Rules

- 24.3.3.1 The Wakatipu Basin Lifestyle Precinct is a sub-zone of the Wakatipu Basin Rural Amenity Zone and all rules in Table 24.1 apply to the Precinct. Where specific rules and standards are identified for the Precinct in Tables 24.2 and 24.3, these shall prevail over the Zone rules in Table 24.1.
- 24.3.3.2 All activities, including any listed permitted activities shall be subject to the rules and standards contained in Tables 24.1 to 24.3.

24.4 Rules – Activities

| Table 24.1 – Activities in the Wakatipu Basin Rural Amenity Zone | | Activity Status |
|--|--|-----------------|
| 24.4.1 | Any activity not listed in Tables 24.1 to 24.3. | NC |
| 24.4.2 | Farming. | P |
| Buildings and residential activities | | |
| 24.4.3 | The use of land or buildings for residential activity except as provided for in Table 24.1 or Table 24.2. | P |
| 24.3.4 | One residential unit per site <u>/ residential building platform.</u> | P |
| 24.3.4 | <u>The creation of a new residential building platform</u> | D |
| 24.4.5 | The construction of buildings including exterior alteration to existing buildings, <u>that are:</u> <u>a. including buildings</u> located within an existing approved/registered building platform <u>area; or</u> <u>b. would have been a permitted or controlled activity on 23 November 2017 under the previous Rural Residential Zone-</u> <u>Discretion is restricted to:</u> <ul style="list-style-type: none"> <u>• Building location scale and form.</u> <u>• External appearance including materials and colours.</u> <u>• Accessways.</u> <u>• Servicing and site works including earthworks.</u> <u>• Retaining structures.</u> <u>• Infrastructure (e.g. water tanks).</u> <u>• Fencing and gates.</u> <u>• External lighting.</u> <u>• Landform modification, landscaping and planting (existing and proposed).</u> <u>• Natural hazards.</u> <p>Excludes farm buildings as provided for in Rule 24.4.8</p> | PRD |
| 24.4.6 | Residential Flat not exceeding 150m ² gross floor area and attached to the Residential Unit. | P |

Comment [AL20]: This retains the operative plan position with respect to a discretionary regime for identification of new building platforms.

Identification of platforms within the precinct is separately provided for in table 24.2 below which is prescribed by density requirements in Chapter 27

Because no density is proposed in this submission for the Amenity Zone, it is appropriate that the default is a discretionary regime.

Comment [AL21]: Proposed to be amended to reflect the PDP rights as notified and which reflect ODP rights which have existed for a number of years. The proposed change from controlled to RD for this activity is a fundamental shift in policy for the Wakatipu Basin, given that property values are critically dependent upon rights to build in certain locations. There is no need to require this activity as restricted discretionary given that the identification of a building platform has in all instances already gone through a thorough landscape assessment as to the effects of future buildings within that platform.

| Table 24.1 – Activities in the Wakatipu Basin Rural Amenity Zone | | Activity Status |
|--|---|-----------------|
| 24.4.7 | Residential Flat not exceeding 150m ² gross floor area that is not attached to the Residential Unit. Discretion is restricted to: <ul style="list-style-type: none"> • Building location scale and form. • External appearance including materials and colours. • Accessways. • Servicing and site works including earthworks. • Retaining structures. • Infrastructure (e.g. water tanks). • Fencing and gates. • External lighting. • Landform modification, landscaping and planting (existing and proposed). • Natural hazards. | RD |
| 24.4.8 | Farm Buildings. | P |
| 24.4.9 | The construction of any buildings including the physical activity associated with buildings such as roading, access, lighting, landscaping and earthworks not specifically provided for by any other rule in Table 24.1 or Table 24.2. Non-residential activities | D |
| 24.4.10 | Roadside stall buildings. | P |
| 24.4.11 | Home occupation. | P |
| 24.4.12 | Informal airports. | P |
| 24.4.13 | Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site. | P |
| 24.4.14 | Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site where the access is onto a State Highway. | D |
| 24.4.15 | Commercial recreational activities that are undertaken on land, outdoors and involve not more than 12 persons in any one group. | P |
| 24.4.16 | Commercial recreational activities that are undertaken on land, outdoors and involve more than 12 persons in any one group. | D |
| 24.4.17 | Cafes and restaurants. | D |
| 24.4.18 | Residential visitor accommodation and homestays. | P |
| 24.4.19 | Visitor accommodation. | D |

| Table 24.1 – Activities in the Wakatipu Basin Rural Amenity Zone | | Activity Status |
|--|--|-----------------|
| 24.4.20 | Community activities. | D |
| 24.4.21 | Activities on or over the surface of waterbodies. | D |
| 24.4.22 | Industrial activities directly associated with wineries and underground cellars within a vineyard. Discretion is restricted to: <ul style="list-style-type: none"> Noise. Access and parking. Traffic generation. Odour. Hours of operation. Waste treatment and disposal. | RD |
| 24.4.23 | Any commercial or Industrial activity not otherwise provided for in Table 24.1 including those associated with farming. | NC |
| 24.4.24 | Panelbeating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motorbody building, or any activity requiring an Offensive Trade Licence under the Health Act 1956. Excludes activities undertaken as part of a Farming Activity, Residential Activity or as a permitted Home Occupation. | NC |

| Table 24.2: Activities in the Wakatipu Basin Lifestyle Precinct | | Activity Status |
|---|--|-----------------|
| <u>Buildings and Residential Activities</u> | | |
| 24.4.25 | <u>The construction of buildings, including exterior alteration to existing buildings which are not a permitted activity under Rule 24.4.5</u> | NC |
| 24.4.26 | <u>The creation of a new residential building platform which complies with Rule 27.5.1</u> | C |
| 24.4.27 | <u>The creation of a new residential building platform which does not comply with Rule 27.5.1</u> | NC |
| 24.4.28 6 | Residential Flat not exceeding 150m ² gross floor area that is not attached to the principal Residential Unit but is not separated from the principal Residential Unit by more than 6 metres. <u>but is located within an approved residential building platform</u> | P |
| | Residential Flat not exceeding 150m² gross floor area that is not attached to the principal Residential Unit and is separated from the principal Residential Unit by | NC |

Comment [AL22]: These three rules revert to the rights under the operative plan for rural living zones, where controlled activity rights are the default for activities within the prescribed densities and identified building platforms.

Where this is not achieved, the activity defaults to non-complying so as to ensure amenity values are protected

~~more than 6 metres.~~

Non-residential activities

~~24.4.297~~ Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, or any activity requiring an Offensive Trade Licence under the Health Act 1956. PR

Excludes activities undertaken as part of a Farming Activity, Residential Activity or as a permitted home occupation.

~~24.4.3028~~ Informal airports. D

~~24.4.29~~ ~~Clearance, works within the root protection zone or significant trimming of exotic vegetation that is of a height greater than 4 metres.~~ RD

~~Discretion is restricted to:~~

- ~~• The extent of clearance.~~
- ~~• Trimming and works within the root protection zone.~~

Comment [AL23]: This rule has been deleted as it is ultra vires section 76 of the RMA

24.5 Rules - Standards

The following standards apply to all activities-

| Table 24.3 - Standards | | Non-compliance status |
|------------------------|--|-----------------------|
| 24.5.1 | <p>Building coverage</p> <p>The maximum building coverage for all buildings shall be 15% of lot area, or 51000m² gross floor area whichever is the lesser.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • Building location, character, scale and form. • External appearance including materials and colours. • Landform modification/planting (existing and proposed). | RD |
| 24.5.2 | <p>Setback from internal boundaries</p> <p>The minimum setback of any building from internal boundaries shall be 10m <u>in the Precinct and 15m elsewhere in the Zone.</u></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • Building location, character, scale and form. • External appearance including materials and colours. • Landform modification/planting (existing and proposed). | RD |
| 24.5.3 | <p>Height of buildings</p> <p>The maximum height of any building shall be 68m.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • Building location, character, scale and form including the pitch of roofs. • External appearance including materials and colours. • Landform modification/planting (existing and proposed). | RD |
| 24.5.4 | <p>Setback from roads</p> <p>The minimum setback of any building from road boundaries shall be 20m in the Zone and 10.75m in the Precinct <u>and 20m elsewhere in the Zone.</u></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • Building location, character, scale and form. • External appearance including materials and colours. • Landscaping/planting (existing and proposed). | RD |
| 24.5.5 | <p><u>Building and Materials</u></p> <p><u>All buildings, including any structure larger than 5m², new, relocated, altered, reclad, or repainted are subject to the following:</u></p> <ul style="list-style-type: none"> • <u>The exterior colours of all building materials shall be in the range of black, browns, greens, or greys;</u> • <u>Reflectance values for roofs shall be no greater than 20%;</u> • <u>Reflectance values for all other surfaces shall be no greater than 30% (except this rule does not apply to stone);</u> • <u>These standard do not apply to any material or surface colours used</u> | RD |

Comment [AL24]: Deleted given building coverage is defined

Comment [AL25]: Amended to reflect ODP rights and established development

Comment [AL26]: Amended to reflect ODP rights and established development

Comment [AL27]: Amended to reflect ODP rights and established development

| Table 24.3 - Standards | | Non-compliance status |
|------------------------|--|-----------------------|
| | <p><u>inside any building:</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> <u>Whether the building would be visually prominent;</u> <u>Whether the proposed colours and materials are appropriate given the existence of established screening or in the case of alterations, if the proposed colours is already present on an established building.</u> <p>Setback from identified landscape features</p> <p>Any building or accessway shall be located a minimum of 50m from the boundary of any identified landscape feature as identified on the planning maps.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> Building location, character, scale and form. External appearance including materials and colours. Landform modification/planting (existing and proposed). | |
| 24.5.6 | <p>Setback from boundaries of non-residential buildings housing animals</p> <p>The minimum setback from boundaries for any building housing animals shall be 30m.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> Effects on open space, rural living character and amenity. Effects on privacy, views and outlook from neighbouring properties and public places. Reverse sensitivity effects on adjacent properties including odour and noise. Landform modification/planting (existing and proposed). | RD |
| 24.5.7 | <p>Setback of buildings from waterbodies</p> <p>The minimum setback of any building from the bed of a wetland, river or lake shall be 30m.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> Indigenous biodiversity values. Natural Hazards. Visual amenity values. Landscape and natural character. Open space. | RD |
| 24.5.8 | <p>Farm buildings</p> <ol style="list-style-type: none"> The maximum gross floor area shall be <u>5150m²</u>. All exterior surfaces shall be coloured in the range of black, browns, greens or greys (except soffits). Pre-painted steel and all roofs shall have a reflectance value not greater than 20%. All other surface finishes shall have a reflectance value of not | RD |

Comment [AL28]: New standards for building design controls have been added given the above amendment that buildings should be permitted rather than RDA within approved building platforms or legacy RR allotments.

Comment [AL29]: See introductory comment regarding the necessity of a setback rule from ONFL. The delineation of these landscapes is not always precise on the ground and these landscapes are otherwise protected in Chapter 6. Policy support for recognising the need for an appropriate setback to protect outstanding values has been retained.

| Table 24.3 - Standards | | Non-compliance status |
|-------------------------------|--|------------------------------|
| | greater than 30%. | |
| | Discretion is restricted to: | |
| | <ul style="list-style-type: none"> • Building location, character, scale and form. • External appearance including materials and colours. • Landform modification/planting (existing and proposed). | |
| 24.5.9 | Home occupations | RD |
| | a. The maximum net floor area of home occupation activities shall be 150m ² . | |
| | b. No goods materials or equipment shall be stored outside a building. | |
| | c. All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building. | |
| | Discretion is restricted to: | |
| | <ul style="list-style-type: none"> • The nature, scale and intensity of the activity. • Visual amenity from neighbouring properties and public places. • Noise, odour and dust. • Access, safety and transportation. | |
| 24.5.10 | Roadside stall buildings | RD |
| | a. The maximum ground floor area shall be 5m ² . | |
| | b. Buildings shall not be higher than 2.0m from ground level. | |
| | c. The minimum sight distance from the stall or stall access shall be 250m. | |
| | d. The minimum distance of the stall or stall access from an intersection shall be 100m; and, the stall shall not be located on the legal road reserve. | |
| | Discretion is restricted to: | |
| | <ul style="list-style-type: none"> • Building location, character, scale and form. • External appearance including materials and colours. • Access and safety. • Parking. | |
| 24.5.11 | The maximum gross floor area of buildings shall be 25m ² for retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site. | RD |
| | Discretion is restricted to: | |
| | <ul style="list-style-type: none"> • Building location, character, scale and form. • External appearance including materials and colours. • Access safety and transportation effects. • Parking, access and safety. | |

| Table 24.3 - Standards | | Non-compliance status |
|-------------------------------|--|------------------------------|
| 24.5.12 | <p>Grazing of animals in or on the margins of waterbodies</p> <p>Stock shall be prohibited from standing in the bed of, or on the margin of a waterbody where this causes pugging or damage to the margin of the waterbody.</p> <p>For the purposes of this rule:</p> <ul style="list-style-type: none"> • Margin means land within 3.0 metres from the edge of the bed. • Waterbody and bed have the same meaning as in the RMA, and also includes any drain or water race that goes to a lake or river. | PR |
| 24.5.13 | <p>Glare</p> <p>a. All fixed exterior lighting shall be directed away from adjacent roads and sites.</p> <p>b. Activities on any site shall not result in more than a 3 lux spill (horizontal and vertical) of light to any other site, measured at any point within the boundary of the other site.</p> <p>c. There shall be no upward light spill.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • Lighting location and number of lights. • Proximity to roads, public places and neighbours. • Height and direction of lights. • Lux levels. | RD |
| 24.5.14 | <p>Informal airports</p> <p>Informal airports that comply with the following standards shall be permitted activities:</p> <p>a. Informal airports shall not exceed a frequency of use of 2 flights per day;</p> <p>b. Informal airports shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential dwelling not located on the same site;</p> <p>c. Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities.</p> <p>Advice note: For the purpose of this Rule a flight includes two aircraft movements i.e. an arrival and a departure.</p> | D |
| 24.5.15 | <p>Residential visitor accommodation</p> <p>The commercial letting of one residential unit or residential flat per site for up to 3 lets not exceeding a cumulative total of 28 nights per 12 month period.</p> | D |
| 24.5.16 | <p>Homestay</p> | D |

Table 24.3 - Standards**Non-compliance status**

- 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.
- b. Shall not exceed 5 paying guests per night.

24.6 Non-notification of applications

Any application for resource consent for restricted discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified, with the exception of the following:

- a. Rule 24.5.1 Building coverage.
- b. Rule 24.5.2 Setback from internal boundaries.
- c. Rule 24.5.3 Height of buildings.
- d. Rule 24.5.4 Setback from roads.
- e. ~~Rule 24.5.5 Setback from identified landscape features.~~

24.7 Assessment Matters - Restricted Discretionary Activities

- 24.7.1** In considering whether or not to grant consent or 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.

Assessment Matters

- 24.7.3** New buildings (and alterations of existing buildings), residential flat, building coverage and building height infringements:

Landscape and visual amenity

- a. Whether the location, 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.
- b. The extent to which the location and design of buildings and ancillary elements and the landscape treatment complement the existing landscape character and visual amenity values, including consideration of:
 - building height;
 - building colours and materials;
 - building coverage;
 - design, size and location of accessory buildings;

Assessment Matters

- the design and location of landform modification, retaining, fencing, gates, accessways (including paving materials), external lighting, domestic infrastructure (including water tanks), vegetation removal, and proposed planting;
 - the retention of existing vegetation and landform patterns;
 - earth mounding and framework planting to integrate buildings and accessways;
 - planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.8;
 - riparian restoration planting;
 - the retirement and restoration planting of steep slopes over 15° to promote slope stabilisation and indigenous vegetation enhancement; and
 - the integration of existing and provision for new public walkways and cycleways/bridlepaths.
- c. The extent to which existing covenants or consent notice conditions need to be retained or are otherwise integrated into the proposed development in a manner that ~~delivers optimal~~maintains and enhances landscape character and visual amenity outcomes.
- d. The extent to which the development maintains visual amenity from public places ~~and neighbouring properties.~~
- e. Whether clustering of buildings or varied allotments sizes in subdivision design would offer a better solution for maintaining a sense of openness and spaciousness, or the integration of development with existing landform and vegetation / lifestyle development patterns.
- f. Where a residential flat is not located adjacent to the residential unit, the extent to which this could give rise to sprawl of buildings and cumulative effects.
- g. The extent to which the development avoids, remedies or mitigates adverse effects on the outstanding features, elements and patterns that contribute to the value of adjacent or nearby ONLs and ONFs. This includes consideration of ~~the~~ an appropriate setback from such features as well as the maintenance of views from public roads and other public places to the surrounding ONL and ONF context.
- h. The extent to which development adversely affects other identified landscape features as identified on the planning maps, and in particular the visual amenity values of those features in views from public places outside of the Precinct.
- i. Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds or and consent notices.

Comment [AL30]: Views to private lots should not be a general matter of assessment, as this is otherwise assessed under section 95E. for standards which particularly breach amenity of neighbouring properties (such as internal setbacks) this could otherwise be included as a matter of discretion particular to that standard.

24.7.4 Servicing, hazards, infrastructure and access

- a. The extent to which the proposal provides for adequate on-site wastewater disposal and water supply. The provision of shared infrastructure servicing to more than one property is preferred in order to minimise environmental effects.
- b. The extent to which the proposed access utilises an existing access or provides for a common access in order to reduce visual and environmental effects, including traffic safety, minimising earthworks and vegetation removal.
- c. Whether adequate provision is made for firefighting activities and provision for emergency vehicles.
- d. The extent to which the objectives and policies set out in Chapter 28, Natural

Assessment Matters

Hazards, are achieved.

24.7.5 Non-residential activities

Whether the proposal achieves:

- a. An appropriate scale and intensity of the activity in the context of the amenity and character of the surrounding area including reference to the identified elements set out in Schedule 24.8 for the relevant landscape character unit.
- b. Adequate visual amenity for neighbouring properties and from public places.
- c. Minimisation of any noise, odour and dust.
- d. Acceptable access and safety.

24.7.6 Boundary and road setbacks

Whether the proposal achieves:

- a. The maintenance of landscape character and visual amenity including reference to the identified elements set out in Schedule 24.8 for the relevant landscape unit.
- b. The maintenance of views to the surrounding mountain context.
- c. Adequate privacy, outlook and amenity for adjoining properties.

24.7.8 Setback from boundaries of non-residential buildings housing animals

Whether the proposal achieves:

- a. The maintenance of landscape character and visual amenity including reference to the identified elements set out in Schedule 24.8 for the relevant landscape character unit.
- b. Minimisation of adverse odour, dust and/or noise effects on any neighbouring properties.

24.7.9 Setback of buildings from waterbodies

Whether the proposal achieves:

- a. The maintenance or enhancement of indigenous biodiversity values.
- b. The maintenance or enhancement of landscape character and visual amenity values including reference to the identified elements set out in Schedule 24.8 for the landscape character unit that the proposal falls into.
- c. The maintenance or enhancement of open space.
- d. Mitigation to manage any adverse effects of the location of the building including consideration of whether the waterbody is subject to flooding or natural hazards.

24.7.10 Roadside stalls

Whether the proposal achieves:

- a. An appropriate scale and intensity of the activity in the context of the surrounding landscape character and visual amenity values.
- b. Preservation of visual amenity for neighbouring properties and from public places.
- c. Minimisation of any noise, odour and dust.
- d. Adequate parking, access safety and avoids adverse transportation effects.

Assessment Matters**24.7.11 Retail sales**

Whether the proposal ensures:

- a. An appropriate scale and intensity of the activity in the context of the surrounding landscape character and visual amenity values.
- b. Preservation of visual amenity for neighbouring properties and from public places.
- c. Minimisation of any noise, odour and dust.
- d. Adequate parking, access safety and avoids adverse transportation effects.

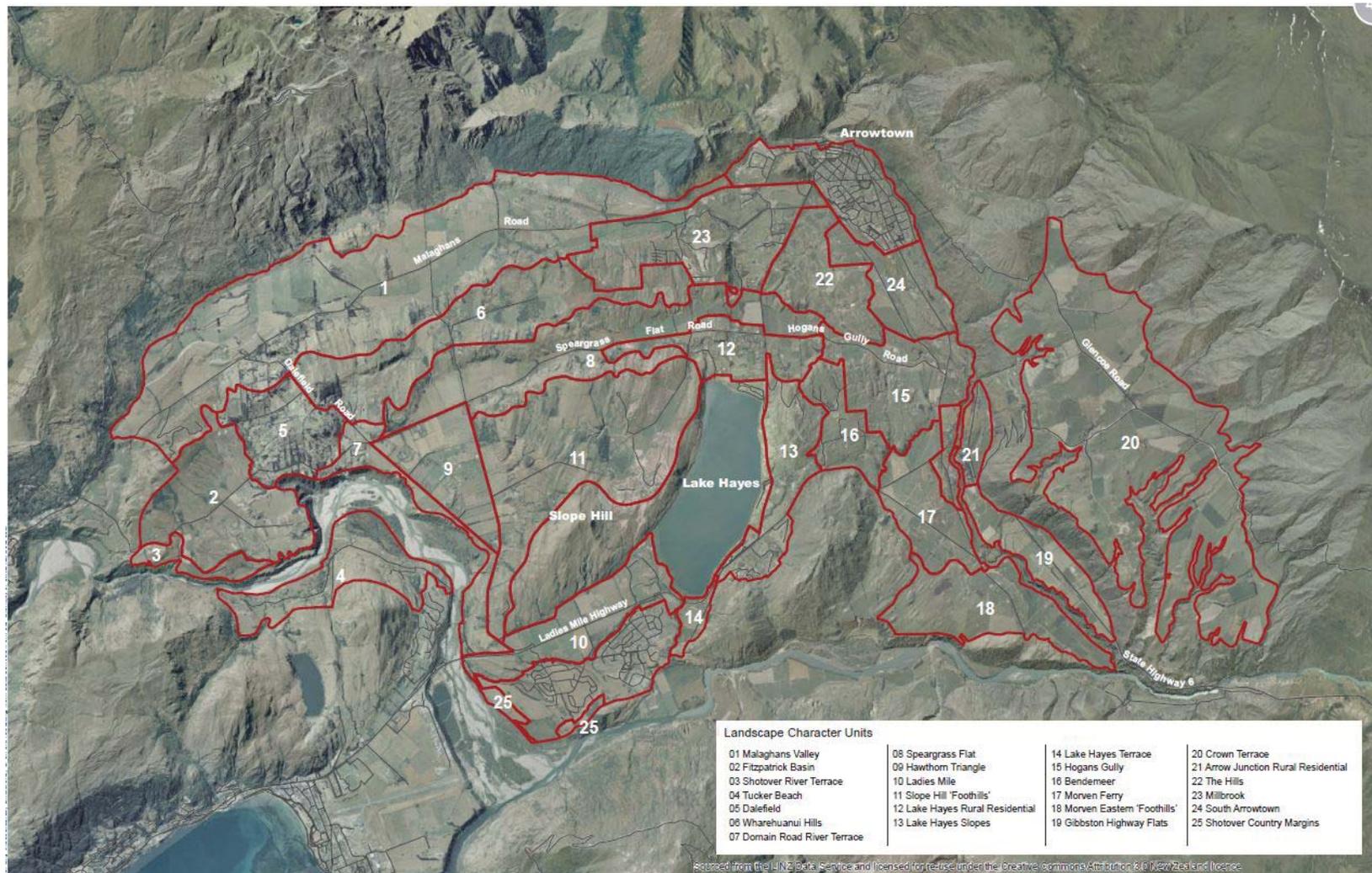
24.7.12 Glare

- a. The effects on adjacent roads and neighbouring sites.
- b. The extent of likely visual dominance from light fixtures, poles and lux levels.
- c. The nature and extent of any effects on character and amenity, including the night sky.
- d. The nature and extent of any effects on privacy, views and outlook from neighbouring properties.
- e. Whether there will be any reverse sensitivity effects on adjacent properties.

~~24.7.13 Clearance, works within the root protection zone or significant trimming of exotic vegetation over 4m in height~~

- ~~a. The degree to which the vegetation contributes to the landscape character and visual amenity values, and the extent to which the clearance or significant trimming would reduce those values.~~
- ~~b. The potential for buildings and development to become more visually prominent.~~
- ~~c. The merits of any proposed mitigation or replacement plantings.~~
- ~~d. a. The effects on the health and structural stability of the vegetation.~~

24.8 Schedule 24.8 Landscape Character Units



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Appendix 2 – Amendments to Chapter 27 – Subdivision

Variation to Stage 1 Subdivision and Development Chapter 27:

Underlined text for additions and ~~strike through~~ text for deletions.

Amend Chapter 27 by inserting the following into Rule 27.4.2;

The following shall be non-complying activities:

g. ~~The further subdivision of an allotment that has previously been used to calculate the minimum and average lot size for subdivision in the Wakatipu Basin Lifestyle Precinct, except in the instance that the further subdivision and any prior subdivision, together, complies with Rule 27.5.1.~~

Comment [AL1]: The intention of this rule is to prevent an ultimate breach of the average density.

h. ~~The subdivision of an existing or approved residential flat from the residential unit it is ancillary to, or the subdivision of a second residential unit on any allotment in the Wakatipu Basin Rural Amenity Zone or the Wakatipu Basin Lifestyle Precinct.~~

Comment [AL2]: Part of this rule is deleted given that if a second residential unit complies with density requirements then it should not otherwise be prevented from being further subdivided (in the Precinct) and otherwise in the Amenity Zone, the effects of subdivision will be assessed through the proposed fully discretionary regime.

Amend Chapter 27 by inserting the following into Rule 27.4.3;

The following shall be ~~Restricted Discretionary Controlled~~ activities:

b. ~~Any subdivision in the Wakatipu Basin Rural Amenity Zone or the Wakatipu Basin Lifestyle Precinct meeting the minimum and/or average lot sizes specified in Rule 27.5.~~

Amend Chapter 27 by amending Rule 27.5.1 as follows;

27.5.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less than the minimum specified.

| Zone | | Minimum Lot Area |
|--|--------------------------------------|---|
| Rural Wakatipu Basin | Wakatipu Basin Rural Amenity Zone | N/A 80ha |
| | Wakatipu Basin Lifestyle Precinct | 6000m ² minimum/1.0ha average Precinct Zone 'A' – 4000m ² average Precinct Zone 'B' – 1ha average |
| Rural Lifestyle | | |
| | Rural Lifestyle Deferred A and B. | No minimum, but each of the two parts of the zone identified on the planning map shall contain no more than two allotments. |
| | Rural Lifestyle Buffer. | The land in this zone shall be held in a single allotment |
| Rural Residential | | |
| | Rural Residential Ferry Hill Subzone | 4000m ² with no more than 17 lots created for residential activity |

Comment [AL3]: The intention of this change is to ensure that different densities in different areas of the precinct are applied to reflect historical development rights (e.g. in the legacy Rural Residential Zoning) and respond to those areas which have capacity to absorb denser subdivision as compared to those areas which don't.

The intention is that this table could be added to for a range of other densities within different precinct areas.

Amend Chapter 27.7 Location Specific objectives, policies and provisions

~~27.7.6 Objective – Ferry Hill Rural Residential Sub Zone – Maintain and enhance visual amenity values and landscape character within and around the Ferry Hill Rural Residential Sub Zone.~~

- ~~Policies~~

~~27.7.6.1 At the time of considering a subdivision application, the following matters shall be had particular regard to:~~

- ~~The subdivision design has had regard to minimising the number of accesses to roads;~~
- ~~the location and design of on-site vehicular access avoids or mitigates adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape treatment is an integral component when constructing such access;~~
- ~~The extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone;~~
- ~~The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road.~~

Insert the following:

| | |
|----------|---|
| 27.7.6.1 | <p>Subdivision in the Wakatipu Basin Rural Amenity Zone and the Wakatipu Basin Lifestyle Precinct</p> <p>Restricted DiscretionaryControlled and Discretionary Activities</p> |
| | <p>Subdivision in the Wakatipu Basin Rural Amenity Zone and the Wakatipu Basin Lifestyle Precinct:</p> <p><u>Control / Discretion (as applicable) is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>Location of building platforms and accessways</u> b. <u>Subdivision design and lot layout including the location of boundaries, lot sizes and dimensions;</u> c. <u>Location, scale and extent of landform modification, and retaining structures;</u> d. <u>Property access and roading;</u> e. <u>Esplanade provision;</u> f. <u>Natural and other hazards;</u> g. <u>Firefighting water supply and access;</u> h. <u>Water supply;</u> i. <u>Network utility services, energy supply and telecommunications;</u> j. <u>Open space and recreation provision;</u> k. <u>Ecological and natural landscape features;</u> l. <u>Historic Heritage features;</u> m. <u>Easements;</u> n. <u>Vegetation removal and proposed plantings;</u> o. <u>Fencing and gates;</u> p. <u>Wastewater and stormwater management;</u> q. <u>Connectivity of existing and proposed pedestrian networks, bridle paths, cycle networks.</u> |
| 27.7.6.2 | <p>Assessment Matters - Restricted-Controlled and Discretionary Activities</p> <p><u>General</u></p> <ul style="list-style-type: none"> a. <u>The extent to which the proposal is consistent with relevant objectives and policies including those in Chapter 27 Subdivision, Chapter 24 Wakatipu Basin and Chapter 6 Landscapes.</u> b. <u>The extent to which the subdivision provides for low impactvariation in design that avoids or mitigates adverse effects on the environment, maintains and enhances landscape character and visual amenity values of the Wakatipu Basin.</u> <p><u>Subdivision Design</u></p> |

Comment [AL4]: Consequential amendment to changes sought in Chapter 24

- c. The extent to which the location of future buildings and ancillary elements and the landscape treatment complements the existing landscape character, visual amenity values and wider amenity values of the Zone or Precinct, including consideration of:
- I. the retention of Compatibility with existing vegetation and landform patterns;
 - II. the alignment of lot boundaries in relation to landform and vegetation features and neighbouring development;
 - III. earth mounding, and framework planting to integrate buildings and accessways;
 - IV. planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.8;
 - V. riparian restoration planting;
 - VI. the retirement and restoration planting of steep slopes over 15° to promote slope stabilisation and indigenous vegetation enhancement;
 - VII. the incorporation of development controls addressing such matters as building height, building colours and materials, building coverage, earthworks, retaining, fencing, gates, accessways (including paving materials), external lighting, domestic infrastructure (including water tanks), vegetation removal, and proposed plantings;
 - VIII. the integration of existing and provision for new public walkways and cycleways/bridlepaths.
- d. The extent to which existing covenants or consent notice conditions need to be retained or are otherwise integrated into the proposed development in a manner that delivers optimal landscape character and visual amenity outcomes
- e. The extent to which the development maintains visual amenity from public places and neighbouring properties.
- f. Whether clustering of future buildings variation in lot sizes and subdivision design would offer a better solution for maintaining a sense of openness and spaciousness, or the integration of development with existing landform and vegetation patterns.
- g. The extent to which the development avoids, remedies or mitigates adverse effects on the features, elements and patterns that contribute to the value of adjacent or nearby ONLs and ONFs. This includes consideration of the-an appropriate setback from such features as well as the maintenance of views from public roads and other public places to the surrounding ONL and ONF context.
- h. The extent to which development adversely affects other Identified Landscape Features as identified on the planning maps, and in particular the visual amenity values of those features in views from public places outside of the Precinct.
- i. Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds and consent notices.
- j. Whether the layout of reserves and accessways provides for adequate public access and use.

Access and Connectivity

- k. Whether proposed sites are located and designed so that each site has a minimum frontage that provides for practical, legal and safe access from a formed public road that is suitable for both normal road going vehicles and construction traffic.
- l. Whether the location and design of any proposed pedestrian, cycle, bridlepaths and vehicle accessways on the proposed site(s) avoid or minimise any adverse effects on soil stability, landform patterns and features, and vegetation.

- m. Whether subdivision provides for safe and practical pedestrian paths and cycle ways (whether sealed or unsealed) and bridle paths that are located in a manner which connect, or have the potential to connect to reserves (existing or proposed), roads and existing rural walkways.
- n. Whether site design recognises any impact of roading and access on waterbodies, ecosystems, drainage patterns and ecological values.
- o. Whether any subdivision provides for future roads to serve surrounding land or for road links that need to pass through the subdivision.

Infrastructure and Services

- p. Ensuring there is sufficient capacity and treatment to provide for the safe and efficient disposal of stormwater and wastewater from possible future development without adversely affecting natural water systems and ecological values.
- q. Ensuring the design of stormwater and wastewater disposal systems incorporate measures to reduce runoff rates where there may be damage caused to natural waterway systems.
- r. Whether any subdivision proposal demonstrates how any natural water system on the site will be managed, protected or enhanced.
- s. Whether subdivision provides for an adequate and reliable supply of potable water to each proposed site.
- t. Whether subdivision provides for an adequate and reliable supply of emergency water supply to each site in the event of fire.
- u. Whether subdivision has sufficient capacity for the disposal of any effluent or other wastewater flow within the boundaries of each proposed site regardless of seasonal variations and loading.
- v. Assessing where more than one site will be created, whether a shared or individual wastewater treatment and disposal system is the most appropriate, having regard to any known physical constraints.
- w. Considering the extent to which easements and consent notices should be applied to protect the integrity of stormwater and/or wastewater treatment and disposal systems.
- x. Assessing the extent to which access easements should provide for lines, including electric lines, telecommunication lines and other lines, where such lines or cables are or may be located within any private property and serve other properties or sites.
- y. Whether sites can be connected to services such as telecommunications and electricity using low impact design methods including undergrounding of services.

Natural Environment and Cultural values

- z. Considering the extent to which the subdivision provides for ecological restoration and enhancement. Ecological enhancement may include enhancement of existing vegetation, replanting and weed and pest control.
- aa. Assessing the extent to which the subdivision and subsequent land use on the proposed site(s) adversely affects the historical, cultural or spiritual significance of any site or waahi tapu of significance to iwi.

- bb. Assessing the extent to which the subdivision design and layout preserves and enhances areas of archaeological, cultural or spiritual significance.
- cc. Assessing the extent to which the integrity of any identified heritage feature(s) is maintained and enhanced.

Earthworks and Hazards

- dd. Considering how earthworks can be undertaken in a manner which mitigates and remedies adverse effects from soil erosion and the generation of sediments into receiving environments.
- ee. Considering whether earthworks are likely to have adverse effects on landscape character or visual amenity values which cannot be avoided, remedied or mitigated.
- ff. Considering the extent to which subdivision will increase the risks associated with any natural hazard and/or how the subdivision avoids, remedies or mitigates any hazard prone area.
- gg. Considering the extent to which contaminated or potentially contaminated soil is able to be treated or disposed of.
- hh. Where the subdivision land includes waterbodies, considering the extent to which remediation measures and methodologies can be employed to avoid, remedy or mitigate any adverse effects on human health, water quality, and to the downstream receiving environment.
- ii. Considering whether consent notices or other protective instruments are needed to ensure that any hazard or contamination remediation measures and methodologies are implemented at the time of development.

Appendix 3 – Proposed Rural Lifestyle / Wakatipu Basin Lifestyle Precinct B rezoning



Further Submission on Queenstown Lakes Proposed District Plan Stage 2

Under Clause 8 of the First Schedule, Resource Management Act 1991

To: Queenstown Lakes District Council

Further Submitter: Ladies Mile Consortium (c/o GW Stalker Family Trust, Mark Tylden, Sam Strain, Bill and Jan Walker Family Trust)

1. This is a further submission on the Queenstown Lakes Proposed District Plan – Stage 2 (**Proposed Plan**).
2. The Ladies Mile Consortium (**Ladies Mile**) is a person who is representing a relevant aspect of the public interest, and has an interest in the Proposed Plan that is greater than the interest the general public has, as it is affected by the content of a submission (clause 8(1) of Part 1 of Schedule 1 of the RMA 1991).
3. Ladies Mile supports or opposes submissions on the Proposed Plan as set out in the table below:

| The submission supported or opposed is: | The particular parts of the submissions supported or opposed are: | Support or Oppose | The reasons for support or opposition are: |
|---|---|-------------------|--|
| #2246 – J & L Bagrie #2251 – R & J Kelly #2253 – D M Stanhope and G Burdis #2541 – Graham Burdis #2542 – Michael Stanhope | <i>Chapter 24</i> Landscape Character Unit 10 | Support | The relief sought to include the Ladies Mile Precinct in Chapter 24 and zone Ladies Mile LCU 10 as Residential / Lifestyle or similar is supported, to the extent that it is consistent with the relief sought by the Consortium in their original Submission. Specific relief in respect of provisions of the PDP are also supported to the extent this is consistent with the Ladies Mile Consortium submission. The Ladies Mile Precinct is a critical element in the overall planning of the Wakatipu Basin. Planning and resource management cannot be considered in a holistic and integrated manner without the inclusion of Ladies Mile. |
| #2567 – K Mactaggart and J Crane | <i>Chapter 24</i> Planning Maps 13d and 30 | Support | The relief sought to rezone the submitters' land as Rural Lifestyle Precinct or similar is supported, to the extent that it is consistent with the relief sought by the Consortium in their original Submission. The proposed zoning of this land as WBRAZ fails to recognise the existing |

| The submission supported or opposed is: | The particular parts of the submissions supported or opposed are: | Support or Oppose | The reasons for support or opposition are: |
|---|---|-------------------|--|
| | | | character and development of the Ladies Mile/Lake Hayes area, and is not supported by adequate section 32 analyses. |
| | <i>Chapter 27</i> Rule 27.5.1 | Oppose | The relief sought to retain the 1 ha minimum lot size rule for the WBRAZ is opposed. This minimum is arbitrary and unnecessary in the rural areas of the Basin, and is not appropriate along Ladies Mile which has a high capacity to absorb future development. |
| #2538 – NZ Transport Agency | <i>Chapter 24</i> Landscape Character Unit 10 | Oppose | The relief sought by the submitter to amend the capability to absorb additional development in the Ladies Mile LCU from High to Low is opposed. |
| #2291 – Lake Hayes Investments Limited | <i>Chapter 24; Chapter 27</i> | Support | The amendments sought to the provisions of chapters 24 and 27 are supported to the extent these are consistent with the Ladies Mile Submission. These amendments provide for similar / alternative relief to amend chapters to provide for an efficient and effective planning and development regime. |

4. Ladies Mile wishes to be heard in support of its further submission.
5. Ladies Mile will consider presenting a joint case with others presenting similar further submissions.
6. A copy of this further submission has been served on the original submitters to which this further submission relates.

Ladies Mile Consortium
Signed by its duly authorised agents
Anderson Lloyd
Per: **Maree Baker-Galloway**
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