

FORM 5

**SUBMISSION ON NOTIFIED PROPOSAL FOR A VARIATION TO  
STAGE 1 OF THE QUEENSTOWN LAKES DISTRICT PLAN**

Clause 6 of Schedule 1, Resource Management Act 1991

To Queenstown Lakes District Council  
Private Bag 50072  
Queenstown 9348  
Attn: Proposed Variation to District Plan – Submission

Name: **X-Ray Trust Limited** (X-Ray Trust) and **Avenue Trust** (the Trusts)

1. This is a joint submission on the following proposed variation to Stage 1 of the Queenstown Lakes District Plan”  
  
Chapter 24 – Wakatipu Basin.
2. The Trusts could not gain an advantage in trade competition through this submission.
3. Background to submission:

X-Ray Trust owns two adjacent lots at 413-433 Speargrass Flat Road, in the Wakatipu Basin, Queenstown, and Avenue Trust owns the adjoining lot at 471 Speargrass Flat Road. These lots were subdivided via resource consent which was granted by the Environment Court on 12 June 2012<sup>1</sup>. This decision approved the subdivision of part of the former Ayrburn Farm site into three main lots<sup>2</sup> (plus a balance lot), each with building platforms, curtilage areas and extensive landscaping. Development on each of the three lots is controlled by way of consent notices<sup>3</sup>.

Since purchasing the two lots, X-Ray Trust has developed the land at 413-433 Speargrass Flat Road for farming and associated residential purposes. X-Ray Trust has been granted various consents from Queenstown Lakes District Council (“Council”) for a number of

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<sup>1</sup> Refer to RM010375 (as established by Consent Order ENV-2010-CHCH-272).

<sup>2</sup> Lots 1, 2 and 3 Deposited Plan 475822 held in Computer Freehold Registers 665219, 665220, 665221 respectively.

<sup>3</sup> Consent Notice 9805352.1, Consent Notice 9805352.2 and Consent Notice 9805352.3.

buildings and structures associated with residential and farming purposes on Lots 1 and 2 DP 475822, Speargrass Flat Road, Wakatipu Basin, and development is ongoing. No development has, to date, occurred on the Avenue Trust's site at 471 Speargrass Flat Road.

The consented development aims to utilise the site with the objective of operating in as sustainable a manner as achievable. Both Trusts wish to enhance the natural character and ecological values of the lots by ensuring any structures and works fit comfortably within the land form, and undertake various agricultural, horticultural and silvicultural activities to achieve sustainability from an economic and environmental perspective. The outcome of the consenting process has included the development of a Landscape Management Plan (as approved via RM150560 and shown in Figure 1 below) and a prescribed set of consent notice conditions which has been agreed on by both Council and X-Ray Trust for 413 and 433 Speargrass Flat Road. Despite the relatively high rural residential density along the southern side of Speargrass Flat Road the development that has occurred on the site has been sited away from the plateau edge to ensure that any visual effects are appropriately managed and that the development is integrated with the existing landscape character to ensure the maintenance of visual amenity.



Figure 1 – Approved (via RM150560) Landscape Management Plan for the X Ray Trust's site

While the Trusts broadly support the outcomes sought in the promotion of this Variation, they are concerned that the translation of the policy direction into rules does not secure a

positive outcome within the vicinity of the properties from either a landscape or development potential perspective. Additionally, the Variation fails to recognise the careful approach to planning development on this site that has been adopted to secure these outcomes.

4. The specific provisions of the proposal that the submission relates to are:

The proposed Variation to the Queenstown Lakes District Plan in its entirety.

5. The submission is:

The land of particular interest to the Trusts is identified on Attachment B as 413, 433 and 471 Speargrass Flat Road.

Under Stage 1 of the District Plan Review, the land of interest was located within the Rural Zone. The X Ray Trust lodged submissions in respect of that zone, providing qualified support of the provisions of the Proposed Plan as it related to the X Ray Trust property. In particular, the X Ray Trust supported the approach of protecting the landscape values of the both the site and wider area, thereby maintaining the landscape and visual amenity values of the elevated parts of the site within which the Trust has consented and commenced development of a residential dwelling. The X Ray Trust considered that some amendments to the specific controls imposed were necessary, and the submission to the Proposed Plan provided this relief more fully. Figure 2, below, shows the zoning pattern applied to the area via Stage 1 of the Proposed District Plan.

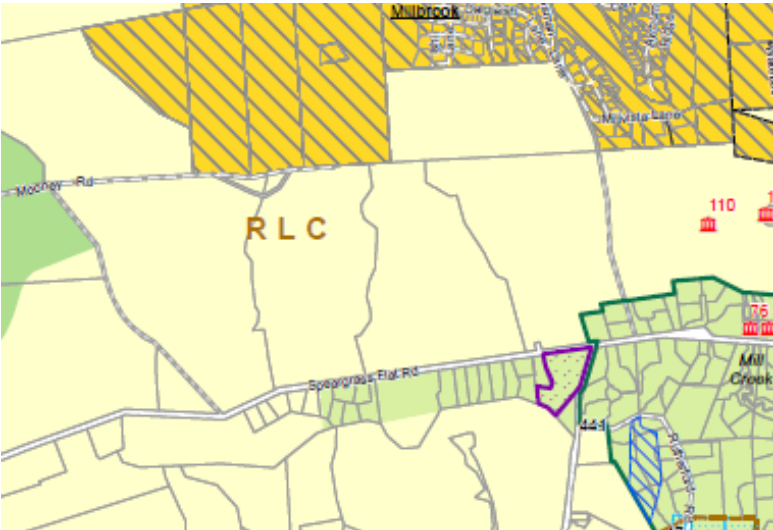


Figure 2 – Zoning of site under Stage 1 of the Proposed District Plan

The proposed Variation provides significantly enhanced development potential across the Plateau Area of the sites (subject to compliance with bulk and location provisions along with the requirements regarding the Landscape Feature) via the Wakatipu Basin Lifestyle Precinct, and requires the retention of the Meadows and Hillside Areas in a largely undeveloped form (via the Wakatipu Basin Landscape Amenity Zone). As a direct result of this enhanced development opportunity, the landscape characteristics of the elevated portions of the sites (the Plateau Areas) will be at risk.

While the Trusts agree that the character and nature of the site differs between the Plateau, Meadow and Hillside Areas, the Trusts do not consider that the proposed Variation suitably manages these aspects of the sites. In particular, the character of the flatter portions of the sites (the Meadows Area) are more suited to the intensity of development enabled via the provisions of the Precinct. Using the flatter part of the site for additional development potential is consistent with the adjoining pattern of development, along with the land use activities located across Speargrass Flat Road towards the south. Further, noting that the Lake Hayes Rural Residential Landscape Character Unit provides reticulated sewer and water supply, it is considered that this area has a greater potential of being connected to Council services at some time in the future. On this basis, it is considered more appropriate for additional development potential to be provided along this portion of the site. Additionally, the Hillside Area provides a continued landscape setting and buffer for this this area.

Accordingly, the Trusts request that the elevated parts of the sites (the Meadow Areas) are included within the Precinct, and that this overlay zoning is uplifted from the elevated portions of the site (identified as Plateau Areas via RM150560). This approach enables the continued preservation of the landscape setting of the elevated portions of the site, while providing for their continued, low intensity use. An updated zone map is attached as **Annexure B**, to demonstrate how this change should be reflected within the surrounding zoning environment.

Some additional amendments are also required to enable this scale and intensity of development on the Meadow Area of the site. Provided that suitable setbacks can be retained along Speargrass Flat Road in particular, any development of this part of the Trusts sites can be readily integrated to the existing development pattern in the area. The Trusts consider that the 20 metre road boundary setback required within the proposed Wakatipu Basin Landscape Amenity Zone achieves this outcome in this location.

In addition to the above, and in recognition of the low threshold for potential intensive development along the Plateau Area, the Trusts consider that the adjoining land located at Lot 3, DP 20693 (the Donaldson site) is not suitable for the high intensity of development that is proposed via this Variation. Accordingly, the Trusts oppose the proposed Precinct overlay on that site and requests its deletion. The attached Plan also shows this alteration. Notwithstanding this, should the Commissioners be minded to retain the Precinct for Lot 3

DP20693, the Trusts request the same outcome for the sites at 413, 433 and 471 Speargrass Flat Road.

Finally, the X Ray Trust notes that the Landscape Feature line, as it runs through 413 and 433 Speargrass Flat Road, is not entirely consistent with the edge of the Plateau Area that was established via RM150560 and which is shown in Figure 1 above. The map attached as Annexure B shows the amendment of this line to reflect the previously agreed characteristics of this portion of the site. Further, should the Commissioners seek to retain the Precinct area over the more elevated parts of the site, the amendment of the landscape line is considered necessary to reflect the established, consented and partially developed environment for this part of the site.

6. The Trusts seek the following decision from the local authority:

That the amendments (or similar in order to address Trusts' submission points) outlined above and in **Annexure A** are accepted.

7. The Trusts wish to be heard in support of their submissions.

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

Signature:

(Person authorised to sign on behalf of submitter)

*(A signature is not required if you make your submission by electronic means.)*

Date: 23 February 2018

Electronic address for Service: [kirsten.tebbutt@mitchelldaysh.co.nz](mailto:kirsten.tebbutt@mitchelldaysh.co.nz)

Telephone: 03 477 7884

Postal address (or alternative method of service under section 352 of the Act):

Mitchell Daysh Limited  
PO Box 489  
Dunedin 9054

Contact person: Kirsten Tebbutt

**Note to person making submission**

If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Provision	Submission Position	Reason for Submission	Relief Sought
Section 24.2 – Objectives and Policies	Support	Refer to section 3 of the Trusts’ submission.	The Trusts seek the retention of the proposed policy framework. Reasoning for this submission is outlined in section 5 above.
Policy 24.2.5.5	Support	Refer to section 3 of the Trusts’ submission.	The Trusts submit that a clear distinction between the Precinct and Zone should be retained. As set out in section 5 above, this clear edge requires redefinition to reflect the topographical characteristics of the site.
Table 24.1	Support	Refer to section 3 of the Trusts’ submission.	The Trusts seek the retention of Table 24.1. Reasoning for this submission is outlined in section 5 above.
Table 24.2	Support	Refer to section 3 of the Trusts’ submission.	The Trusts seek the retention of Table 24.1. Reasoning for this submission is outlined in section 5 above.

Rule 24.5.4	Oppose	<p>The required road boundary setback within the Precinct renders a significant portion of the area that can absorb the impacts of enhanced development potential (as set out in section 3 of the Trusts' submission), difficult to develop. The Trusts submit that the landscape character and visual amenity effects of such development can be appropriately managed via the proposed Plan provisions that relate to subdivision, and that the 75 metre setback fails to secure any better environmental outcomes within this area than would be achieved via the standard applicable in the zone.</p>	<p>The Trusts request the deletion of the words "and 75m in the Precinct" from Rule 24.5.4.</p>
Rule 24.5.5	Oppose	<p>The requirement to set any building or accessway 50m away from the identified landscape feature on the site undermines the intended provision for development within the Precinct. Similarly, as this provision is not replicated elsewhere in the Plan with respect to landscape features that have protection under section 6(b) of the Resource Management Act. Accordingly, the unspecified landscape features depicted on the Maps are afforded a greater level of protection than is afforded the outstanding natural features and landscapes throughout the District.</p>	<p>The Trusts request the deletion of Rule 24.5.5.</p>



Assessment Matter 24.7.3(c)	Oppose	This assessment matter refers to delivering “optimal landscape character”. Optimal landscape character is not defined in either the Plan or the Variation, and is similarly not identified via the objectives and policies of the Variation. As a result it is not possible to readily determine how this aspect of any proposal will be assessed.	The Trusts request the amendment of Assessment Matter 24.7.3(c) as follows:
		<p><i>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 <u>results in the maintenance and enhancement of delivers optimal landscape character and visual amenity outcomes.</u></i></p>	
Assessment Matter 24.7.3(g)	Support	The Trusts consider that Assessment Matter 24.7.3(g) is clearly worded and identifies the specific landscape sensitivity being managed.	The Trusts request the retention of Assessment Matter 24.7.3(g) as worded.
Assessment matter 24.7.3(h)	Oppose	The Trusts consider that the intention of Assessment Matter 24.7.3(h) is unclear, partially due to the unquantified nature of the identified landscape features within the Variation, and the lack of clear direction in the objectives and policies included in the Variation. This Assessment Matter appears to largely replicate the requirements of Assessment Matter 24.7.3(g).	The Trusts request the deletion of Assessment Matter 24.7.3(h) in its entirety.

Landscape Character Unit 8	Oppose in part	Refer to section 3 of the Trusts' submission. Due to the character of the wider Speargrass Flat Road area, and its inclusion in the Lake Hayes Rural Residential Landscape Character Unit, the Trusts submit submits that the parts of the site adjoining the Speargrass Flat Road Area should also fit within this Landscape Character Unit.	The Trusts request the amendment of the Schedule 24.8 Map to show the extent of the Precinct (as shown on Attachment B) as being within the Lake Hayes Rural Residential Landscape Character Unit (Unit 12).
Landscape Character Unit 6	Support	Refer to section 3 of the Trusts' submission.	The Trusts request the retention of Landscape Character Unit 6 over the northern part of the site.
Maps 13d and 26	Support in part	As set out in Sections 3 and 5 above, the Trusts consider that the precinct overlay should reflect the consented character of the site, and recognise the potential for enhanced development across the lower portions of the site.	Amend the Maps consistent with the plan attached at Annexure B, which:
			<ul style="list-style-type: none"> <li data-bbox="1568 798 2051 1005">➤ removes the Precinct overlay from the elevated portions of the site (reverting these parts of the site to the Wakatipu Basin Rural Amenity Zone); AND</li> <li data-bbox="1568 1021 2051 1182">➤ includes the flat, lower parts of the site within the Wakatipu Basin Lifestyle Precinct.</li> </ul>

Maps 13d and 26	Support in part	As set out in section 5 above, the Trusts consider that the adjoining land located at Lot 3, DP 20693 is not suitable for the high intensity of development that is proposed via this Variation.	The Trusts request the deletion of the Precinct from the site at Lot 3, DP20693, as shown on the plan attached as Annexure B.  Should the Commissioners retain the Precinct for Lot 3 DP20693, the Trusts request the same outcome for the sites at 413, 433 and 471 Speargrass Flat Road
Maps 13d and 26	Support in part	As set out in section 5 above, the X Ray Trust considers that the green line denoting the landscape feature across the sites at 413 and 433 Speargrass Flat Road is not consistent with the previously agreed landscape character for the sites.	The X Ray Trust requests the amendment of the landscape feature line, as shown on the plan attached as Annexure B.  Should the Commissioners retain the Precinct area over the more elevated parts of the site, the amendment of the landscape line is considered necessary to reflect the established, consented and partially developed environment for this part of the site.

# Annexure B

Amended Planning Map

