

Submission on Queenstown Lakes Proposed District Plan Stage 3

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

To: Queenstown Lakes District Council

Submitter: Chard Farm Limited

1. This is a submission on the Queenstown Lakes Proposed District Plan – Stage 3 (**PDP**)
2. Chard Farm Limited (**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:
 - a) Chapter 39 Wāhi Tūpuna;
 - b) Provisions of other chapters of the PDP varied by the Chapter 39 Wāhi Tūpuna variation; and
 - c) All PDP planning maps which identify the Wāhi Tūpuna overlay.

Summary of Submission

4. The Submitter seeks that Chapter 39 Wāhi Tūpuna and the corresponding Wāhi Tūpuna overlay identified on the PDP planning maps be deleted.
5. In the alternative, the Submitter seeks that amendments are made to Chapter 39 Wāhi Tūpuna or other chapters of the PDP to address the Submitter's concerns set out below.

Reasons for the Submission

6. The inclusion of Chapter 39 Wāhi Tūpuna in the PDP is not necessary to implement the direction of the Resource Management Act, Local Government Act and Te Tiriti O Waitangi, and Chapter 5 Tangata Whenua of the PDP.
7. The direction of Chapter 5 Tangata Whenua and the intention of Chapter 39 Wāhi Tūpuna can be achieved through amendments to existing provisions of the PDP rather than through the creation of a new chapter and new provisions. There is significant overlap between certain proposed Wāhi Tūpuna provisions and existing PDP provisions. In particular the proposed rules regarding setbacks from waterbodies for the most part duplicate the existing PDP rules already in place for each relevant zone.
8. The requirements for consultation with Manawhenua in Chapter 39 Wāhi Tūpuna need clarification as they are currently unclear and potentially onerous. Clarity and certainty is needed including as to when consultation is required (i.e. what type and degree of development triggers a requirement for consultation), and what process and form consultation should follow.
9. As the Chapter 39 Wāhi Tūpuna objective and policies are currently worded, it is unclear whether they apply in all circumstances when subdivision and development is proposed in areas of the District within the Wāhi Tūpuna overlay, or whether their applicability is limited to circumstances where activities which involve recognised threats are proposed in a specific Wāhi Tūpuna area where those activities are identified as recognised threats, as set out in Schedule 39.6.

10. It is also unclear whether an assessment of the cultural values of Manawhenua required as a matter of discretion is limited to the values identified for each Wāhi Tūpuna area in Schedule 39.6, or whether it may be an assessment of cultural values more broadly.
11. The incorporation of provisions that apply district wide (i.e. paragraph three of 39.1, and 39.2.1.1) have unclear application, are potentially onerous, and are not necessary given the District wide application of Chapter 5 Tangata Whenua. Any duplication of proposed Chapter 39 with Chapter 5 should be removed.
12. Additional requirements for resource consents and / or Cultural Impact Assessments as a result of Chapter 39 Wāhi Tūpuna will have costs on landowners and developers which may negate positive benefits of certain proposals. The Council's section 32 reports have not adequately assessed the extent to which requirements for Cultural Impact Assessments in particular will be of assistance to addressing Manawhenua values and consulting meaningfully with Kai Tahu representatives, and what the consequences will be of increased costs.

Relief Sought

13. The Submitter seeks the following decision:
 - a) That Chapter 39 Wāhi Tūpuna and the corresponding Wāhi Tūpuna overlay identified on the PDP planning maps be deleted;
 - b) That Chapter 39 Wāhi Tūpuna be amended such as to remove additional resource consent and Cultural Impact Assessment requirements, while still appropriately providing for Manawhenua values;
 - c) That any duplication / overlap of provisions existing in Chapter 5 Tangata Whenua be removed, as a result of Chapter 39 Wāhi Tūpuna being introduced.
 - d) Alternative, consequential, or necessary additional relief to give effect to the matters raised generally in this submission.

General

14. The Submitter wishes to be heard in support of this Submission.
15. The Submitter will consider presenting a joint case with others presenting similar submissions.

Maree Baker-Galloway

Chard Farm Limited
Signed by its duly authorised agents
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