

ANNEXURE A - Copy of the Appellant's Submissions

FORM 5

SUBMISSION ON PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

Clause 6 of Schedule 1, Resource Management Act 1991

To: Queenstown Lakes District Council

Submitter Details:

Name of submitter: Spruce Grove Trust

Address for Service: Spruce Grove Trust
C/- Southern Planning Group
PO Box 1081
Queenstown 9348

Attention: Amanda Leith
amanda@southernplanning.co.nz
021 621 759

1. This is a submission on the Proposed Queenstown Lakes District Plan.

2. Trade Competition

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

3. Omitted

4. Scope of submission

Property address and description:

4.1 Spruce Grove Trust ("the submitter") owns land legally described as Part Lot 2 & Lot 3 Deposited Plan 19667 (the "subject site"). The site is located at 459 Arrowtown – Lake Hayes Road and is 1.4819 hectares in area. The subject site contains a dwelling and associated outbuildings.

4.2 This submission relates to the subject site and the land legally described as Lot 1 & 2 Deposited Plan 327817 (9 Orchard Hill Road & 461 Arrowtown – Lake Hayes Road respectively) and Lots 1 & 2 Deposited Plan 27846 (29 Butel Road and 9 Butel Road respectively). These will be collectively referred to in this

- 4.6 On 18 October 2017 the Queenstown Lakes District Council (QLDC) notified a decision in relation to Chapter 43 and Planning Map 26 of the PDP as they relate to the content of the MRZ provisions. One appeal has been lodged against the QLDC's decision and therefore at this time the zone is not yet operative.
- 4.7 As the Spruce Grove Trust submission (#558) has not yet been considered by the Hearings Panel, the submission is still considered to be 'live'.

Stage 2 of the Proposed District Plan

- 4.8 On 23 November 2017, QLDC notified Stage 2 of the PDP. Under Stage 2, the land is included within the Wakatipu Basin Rural Amenity Zone as identified in Figure 2 below.



Figure 2: Stage 2 PDP zoning - the land the subject of this submission is identified in green outline

- 4.9 Counsel for the Council's 22 December 2017 minute confirm that the submitter's Stage 1 submission would be considered to be against the variation by clause 16B(1) of the RMA.
- 4.10 This additional submission on Stage 2 is therefore to address the inclusion of the land within the Wakatipu Basin Rural Amenity Zone and is consistent with the overall intent of the Spruce Grove Trust submission (#558) submitted as part of Stage 1 in that the MRZ of the land is still sought. As QLDC have released the decision on Chapter 43 without having considered the Spruce

Grove Trust submission, this submission also takes the Chapter 43 provisions into account and incorporates these into the relief sought.

5. The Spruce Grove Trust ("the submitter") submission is that:

- 5.1 The submitter **opposes** Chapter 24 – Wakatipu Basin in its entirety as it applies to the land.
- 5.2 The submitter seeks that the land be included within the Millbrook Resort Zone.

Without derogating from the generality of the above, the submitter further states that:

- 5.3 The land should be included within the MRZ as it is surrounded by the MRZ on three sides (north, west and south) with Butel Road also being located to the north and Arrowtown – Lake Hayes Road being located to the east. The land is not differentiated by topography or any other characteristic from the surrounding MRZ land to warrant a difference in zoning.
- 5.4 The submitter considers that the land should be included within the MRZ because it has the ability to absorb discrete and integrated urban residential development in a way that does not detract from the landscape and visual amenity values of the Wakatipu Basin area subject to the restrictions outlined below.
- 5.5 It is acknowledged that unlike the remainder of the land within the MRZ, the land is not owned by Millbrook Country Club Limited, however land ownership is not a basis for the efficient and effective application of zoning over land. The Resource Management Act 1991 requires that assessment to be effects based and not based on differing land ownership by two owners who are in the same trade. The extension of the MRZ zoning to the corner of Butel and Arrowtown – Lake Hayes Roads would result in the road alignment being the boundary, rather than land ownership dictating the zone boundary.
- 5.6 The MRZ locates three Residential activity areas in close proximity to the land as shown in Figure 3 below. These Residential activity areas are labelled R1

to R3 on the Millbrook Resort Zone Structure Plan¹. Surrounding these Residential activity areas is the 'Golf/Open Space activity area (G).



Figure 3: MRZ activity areas surrounding the submitter's land (identified in green)

5.7 As can be seen in Figure 4 below, the established residential allotment sizes within Residential activity areas R1 to R3 vary, with R1 providing allotments ranging just over 1,000m², R2 providing allotments below 200m² (contains townhouses), and R3 providing allotments roughly around 800m². The majority of the lots within these activity areas contain established dwellings.

¹ Decision version notified by QLDC on 18 October 2017



Figure 4: Location of MRZ Residential activity areas surrounding the submitter's land

5.8 Utilising the framework provided within Chapter 43, the residential development of the land would be akin to that already existing within the adjoining MRZ land.

5.9 Specifically, the submitter considers that the MRZ can be extended to incorporate the land as follows:

- Addition of a further Residential activity area within the MRZ Structure Plan to provide for residential subdivision and development of the land akin to that on the adjoining MRZ land.
- The extension of the existing MRZ rules to include the new Residential activity areas on the submitter's site.

6. The submitter seeks the following decisions from the Queenstown Lakes District Council:

6.1 That the land be included within the Millbrook Resort Zone.

6.2 That the Millbrook Resort Zone – Structure Plan in 43.7 is amended to incorporate a new Residential Activity Area (R21). The R21 activity area is proposed over all of the land which is the subject of this submission outside of a 25m setback distance from the Arrowtown – Lake Hayes Road. The land

within the 25m setback distance is proposed to be included within the Golf Course and Open Space (G1) Activity Area.

- 6.3 That the R21 Activity Area be included within Rule 43.4.10(b) relating to Buildings being a controlled activity as follows:

b. R1 to R13 and R21 of the Residential Activity Area

- 6.4 Insertion of a new Rule 43.4.24 relating to Buildings within the G1 Golf Course and Open Space Activity area being a non-complying activity as follows:

Buildings

a. Within the G1 Golf Course and Open Space Activity Area

- 6.5 That the R21 Activity Area be included within Rule 43.5.2(c) which will require a 7m minimum setback for buildings from the Residential Activity Area boundary as follows:

c. On Residential Activity Sites 14, and 19 and 21 buildings shall be located at least 7m from the Residential Activity Area boundary.

- 6.6 Inclusion of the R21 Activity Area within Rule 43.5.3 as follows:

Building Colours and Materials in Residential Activity Areas R14, R15, R16 and R21

- 6.7 Amendment to Rule 43.5.4 relating to Residential Density as follows:

The maximum number of residential units in the Millbrook Resort Zone (excluding the residential units within the R21 activity area) shall be limited to 450. In the R21 activity area the average density shall be no more than 1 residential unit per 500m².

- 6.8 Exclusion of the R21 Activity Area from the overall site coverage for the MRZ in Rule 43.5.11 as follows:

Maximum Total Site Coverage

The maximum site coverage shall not exceed 5% of the total area of the Zone. For the purposes of this Rule, site coverage includes all buildings, accessory, utility and service buildings but excludes weirs, filming towers, ridges and roads and parking areas. Activity area R21 is excluded from this calculation.

- 6.9 Addition of a new Rule 43.5.14 with a Restricted Discretionary activity status pertaining to the Maximum Site Coverage for the R21 Activity Area as follows:

Maximum Site Coverage – R21 Activity Area

The maximum building coverage shall not exceed 50% of the site area.

7. Conclusion

- 7.1 The inclusion of the land within the MRZ is considered to be the most suitable zoning compared to the notified Wakatipu Basin Rural Amenity zoning of the land in Stage 2 of the PDP when the landscape context surrounding the land is taken into account. The inclusion of the land within the MRZ would also accord with all of the objectives and policies within Chapter 43 – Millbrook Resort Zone as well as those applicable provisions within Chapter 3 – Strategic Direction.
- 7.2 In utilising the existing Chapter 43 provisions as much as possible, the inclusion of the land will not introduce any overly complicated provisions and will contribute to the streamlining of the District Plan.
- 7.3 Utilising the existing Chapter 43 provisions will also ensure that any future residential development of the land would be in keeping with that which has occurred on the adjoining MRZ land and will ensure that the amenity of the neighbouring land is maintained. The relief sought will ensure that the amenity of the MRZ that the enclaves and integrated planning of the zone seeks to achieve are continued to the submitter's land.
- 7.4 It is acknowledged that development of the land in accordance with the Chapter 43 provisions would allow for buildings that are visible from Arrowtown – Lake Hayes Road, however this is consistent with the existing townhouses and

dwellings located within the R2 and R3 activity areas of the MRZ which are also visible from the road.

7.5 Furthermore, the proposed exception of the submitter's land from Rules 43.5.4 and 43.5.11 is so to ensure that the inclusion of the submitter's land within the MRZ will not impinge upon the Millbrook Country Club Limited's development rights established by Chapter 43 (in terms of the maximum residential density and site coverage).

7.6 In addition to the above, the submitter seeks any such further or consequential or alternative amendments necessary to give effect to this submission, and to:

- (a) promote the sustainable management of resources and achieve the purpose of the Resource Management Act 1991 ("Act");
- (b) meet the reasonably foreseeable needs of future generations;
- (c) enable social, economic and cultural wellbeing;
- (d) avoid, remedy or mitigate the adverse effects of the activities enabled by the Variation; and
- (e) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other means available in terms of section 32 and other provisions of the Act.

7. The submitter wishes to be heard in support of their submission.

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



Signature

(Amanda Leith on behalf of Spruce Grove Trust)

Date: 23 February 2018

FORM 5**SUBMISSION ON PROPOSED QUEENSTOWN LAKES DISTRICT PLAN****Clause 6 of Schedule 1, Resource Management Act 1991**

To: Queenstown Lakes District Council

Submitter Details:

Name of submitter: Spruce Grove Trust

Address for Service: Spruce Grove Trust
C/- Southern Planning Group
PO Box 1081
Queenstown 9348

Attention: Amanda Leith
amanda@southernplanning.co.nz
021 621 759

1. This is a submission on the Proposed Queenstown Lakes District Plan.

2. Trade Competition

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

3. Omitted

4. Scope of submission

Property address and description:

4.1 Spruce Grove Trust ("the submitter") owns land legally described as Section 11 SO 447314. The site is located at 1124 Malaghans Road and is 9.1681 hectares in area. The site is presently vacant of built form.

BackgroundOperative District Plan

4.2 The land is contained within the Rural General Zone under the Operative District Plan (ODP).

- 4.3 Under the ODP, the Environment Court (decision ENV-2009-CHC-55) authorised the subdivision of the site to create four residential allotments (with associated building platforms), together with an access allotment, a utilities allotment and two allotments for open space purposes. The residential allotments range in size from 2258m² to 2980m² in area. The residential allotments are located on the southern side of the site, screened from view from Malaghans Road due to topography.

Stage 1 of the Proposed District Plan

- 4.4 Stage 1 of the Proposed District Plan (PDP) zoned the submitter's property Rural as identified in Figure 1 below.



Figure 1: Submitter's site identified by green outline

- 4.5 The submitter lodged a submission on Stage 1 (submission 558) seeking that the property be included within the Millbrook Resort Zone (MRZ). The content of this submission as it related to the MRZ was deferred by Ms Ruth Evans, the s42A report author in relation to Chapter 43 – Millbrook Resort Zone, for consideration as part of the mapping hearing.
- 4.6 On 18 October 2017 the Queenstown Lakes District Council (QLDC) notified a decision in relation to Chapter 43 and Planning Map 26 of the PDP as they relate to the content of the MRZ provisions. One appeal has been lodged against the QLDC's decision and therefore at this time the zone is not yet operative.
- 4.7 As the Spruce Grove Trust submission (#558) has not yet been considered by the Hearings Panel, the submission is still considered to be 'live'.

Stage 2 of the Proposed District Plan

- 4.8 On 23 November 2017, QLDC notified Stage 2 of the PDP. Under Stage 2, the subject site is included within the Wakatipu Basin Rural Amenity Zone as identified in Figure 2 below.



Figure 2: Submitter's site identified in green outline

- 4.9 Counsel for the Council's 22 December 2017 minute confirm that the submitters Stage 1 submission would be considered to be against the variation by clause 16B(1) of the RMA.
- 4.10 This additional submission on Stage 2 is therefore to address the inclusion of the land within the Wakatipu Basin Rural Amenity Zone and is consistent with the overall intent of the Spruce Grove Trust submission (#558) submitted as part of Stage 1 in that the MRZ of the land is still sought. As QLDC have released the decision on Chapter 43 without having considered the Spruce Grove Trust submission, this submission also takes the Chapter 43 provisions into account and incorporates these into the relief sought.

5. Spruce Grove Trust ("the submitter") submission is that:

- 5.1 The submitter **opposes** Chapter 24 – Wakatipu Basin in its entirety as it applies to 1124 Malaghans Road.
- 5.2 The submitter seeks that 1124 Malaghans Road be included within the Millbrook Resort Zone.

Without derogating from the generality of the above, the submitter further states that:

- 5.3 The land should be included within the MRZ as it is surrounded by the MRZ on three sides (west, east and south) with Malaghans Road being located to the north. The submitter's land is not differentiated by topography or any other characteristic from the surrounding MRZ land to warrant a difference in zoning.
- 5.4 The submitter considers that the land should be included within the MRZ because the land has the ability to absorb discrete and integrated urban residential development in a way that does not detract from the landscape and visual amenity values of the Wakatipu Basin area subject to the restrictions outlined below.
- 5.5 It is acknowledged that unlike the remainder of the land within the MRZ, the submitter's land is not owned by Millbrook Country Club Limited, however land ownership is not a basis for the efficient and effective application of zoning over land. The Resource Management Act 1991 requires that assessment to be effects based and not based on differing land ownership by two owners who are in the same trade.
- 5.6 The MRZ locates four Residential activity areas in close proximity to the submitter's land as shown in Figure 3 below. These Residential activity areas are labelled R4 to R7 on the Millbrook Resort Zone Structure Plan¹. Surrounding these Residential activity areas is the 'Golf/Open Space activity area (G).

¹ Decision version notified by QLDC on 18 October 2017



Figure 3: MRZ activity areas surrounding the submitter's land (identified in green)

5.7 As can be seen in Figure 4 below, the established residential allotment sizes within Residential activity areas R4 to R6 vary, with R4 providing allotments ranging just under 900m², R5 providing allotments around 800m², and R6 providing allotments roughly around 1200m².



Figure 4: Location of MRZ Residential activity areas surrounding the submitter's land

5.8 Utilising the framework provided within Chapter 43, the residential development of the submitter's land would be akin to that already existing within the adjoining MRZ land.

5.9 Specifically, the submitter considers that the MRZ can be extended to incorporate the submitter's land as follows:

- Addition of a further Residential activity area within the MRZ Structure Plan to provide for residential subdivision and development of the submitter's land akin to that on the adjoining MRZ land. The Residential activity area could be limited to the southern area of the site, so as to allow residential dwellings to be developed without being seen from Malaghans Road.
- The extension of the existing MRZ rules to include the new Residential activity areas on the submitter's site.
- Inclusion of the remainder of the submitter's land within the Golf Course and Open Space (G) activity area consistent with the approach used within the MRZ for balance land outside of the Residential activity area.

6. The submitter seeks the following decisions from the Queenstown Lakes District Council:

6.1 That 1124 Malaghans Road be included within the Millbrook Resort Zone.

6.2 That the Millbrook Resort Zone – Structure Plan in 43.7² is amended to incorporate the following activity areas over the submitter's land as identified in Figure 5:

- Residential 20 Activity Area (R20)
- Golf Course and Open Space Activity Area (G)

² On page 43-13 in the decision version notified on 18 November 2017

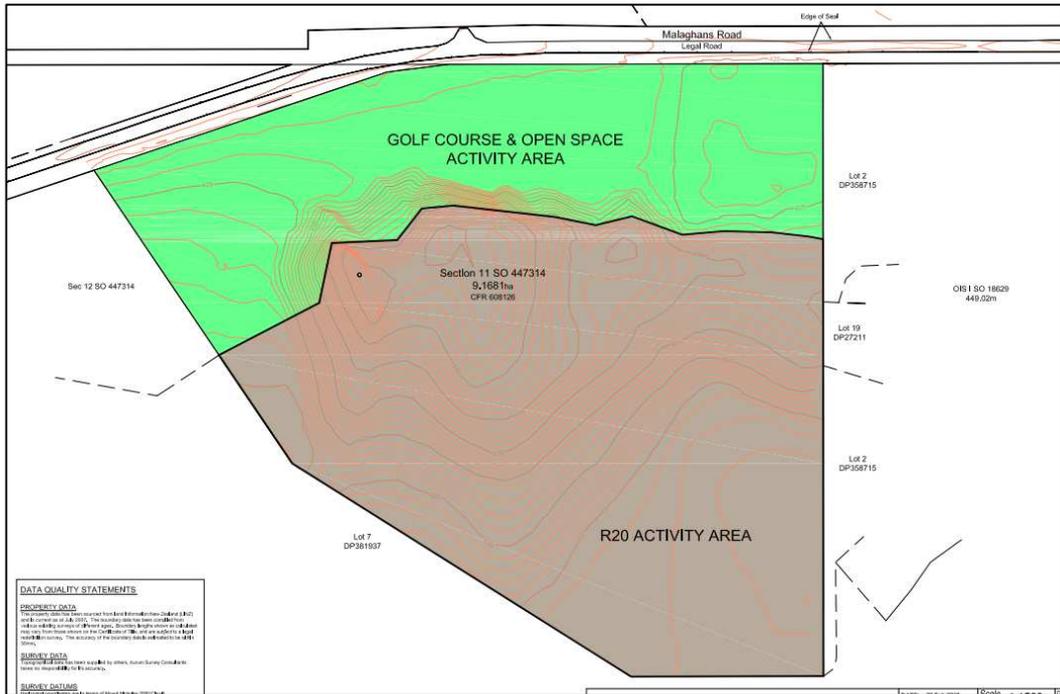


Figure 5: Proposed additional activity areas to be included within the Millbrook Resort Structure Plan covering the submitter's land

6.3 That the R20 Activity Area be included within Rule 43.4.10(b) relating to Buildings being a controlled activity as follows:

b. R1 to R13 and R20 of the Residential Activity Area

6.4 That the R20 Activity Area be included within Rule 43.5.2(c) which will require a 7m minimum setback for buildings from the Residential Activity Area boundary as follows:

c. On Residential Activity Sites 14, and 19 and 20 buildings shall be located at least 7m from the Residential Activity Area boundary.

6.5 Inclusion of the R20 Activity Area within Rule 43.5.3 as follows:

Building Colours and Materials in Residential Activity Areas R14, R15, R16 and R20

6.6 Amendment to Rule 43.5.4 relating to Residential Density as follows:

The maximum number of residential units in the Millbrook Resort Zone (excluding the residential units within the R20 activity area) shall be limited to 450. In the R20 activity area the average density shall be no more than 1 residential unit per 500m².

- 6.7 Exclusion of the R20 Activity Area from the overall site coverage for the MRZ in Rule 43.5.11 as follows:

Maximum Total Site Coverage

The maximum site coverage shall not exceed 5% of the total area of the Zone. For the purposes of this Rule, site coverage includes all buildings, accessory, utility and service buildings but excludes weirs, filming towers, ridges and roads and parking areas. Activity area R20 is excluded from this calculation.

- 6.8 Addition of a new Rule 43.5.14 with a Restricted Discretionary activity status pertaining to the Maximum Site Coverage for the R20 Activity Area as follows:

Maximum Site Coverage – R20 Activity Area

The maximum building coverage shall not exceed 50% of the site area.

- 6.9 Addition of a new Rule 43.5.15 with a Discretionary activity status pertaining to the visibility of buildings within the R20 activity area from Malaghans Road as follows:

Visibility of Buildings within the Residential R20 Activity Area

No part of any building located within the R20 activity area is to be visible from Malaghans Road. Methods to achieve this may include restriction on building height, mounding and landscaping.

7. Conclusion

- 7.1 The inclusion of the submitter's land within the MRZ is considered to be the most suitable zoning compared to the notified Wakatipu Basin Rural Amenity zoning of the site in Stage 2 of the PDP when the landscape context surrounding the submitter's land is taken into account. The inclusion of the submitter's site within the MRZ would also accord with all of the objectives and

policies within Chapter 43 – Millbrook Resort Zone as well as those applicable provisions within Chapter 3 – Strategic Direction.

- 7.2 In utilising the existing Chapter 43 provisions as much as possible, the inclusion of the submitter's land will not introduce any overly complicated provisions and will contribute to the streamlining of the District Plan.
- 7.3 Utilising the existing Chapter 43 provisions will also ensure that any future residential development of the submitter's land would be in keeping with that which has occurred on the adjoining MRZ land and will ensure that the amenity of the neighbouring land is maintained. The relief sought will ensure that the amenity of the MRZ that the enclaves and integrated planning of the zone seeks to achieve are continued to the Submitter's land.
- 7.4 Furthermore, the proposed exception of the submitter's land from Rules 43.5.4 and 43.5.11 is so to ensure that the inclusion of the submitter's land within the MRZ will not impinge upon the Millbrook Country Club Limited's development rights established by Chapter 43 (in terms of the maximum residential density and site coverage).
- 7.5 In addition to the above, the submitter seeks any such further or consequential or alternative amendments necessary to give effect to this submission, and to:
- (a) promote the sustainable management of resources and achieve the purpose of the Resource Management Act 1991 ("Act");
 - (b) meet the reasonably foreseeable needs of future generations;
 - (c) enable social, economic and cultural wellbeing;
 - (d) avoid, remedy or mitigate the adverse effects of the activities enabled by the Variation; and
 - (e) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other means available in terms of section 32 and other provisions of the Act.

7. The submitter wishes to be heard in support of their submission.

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

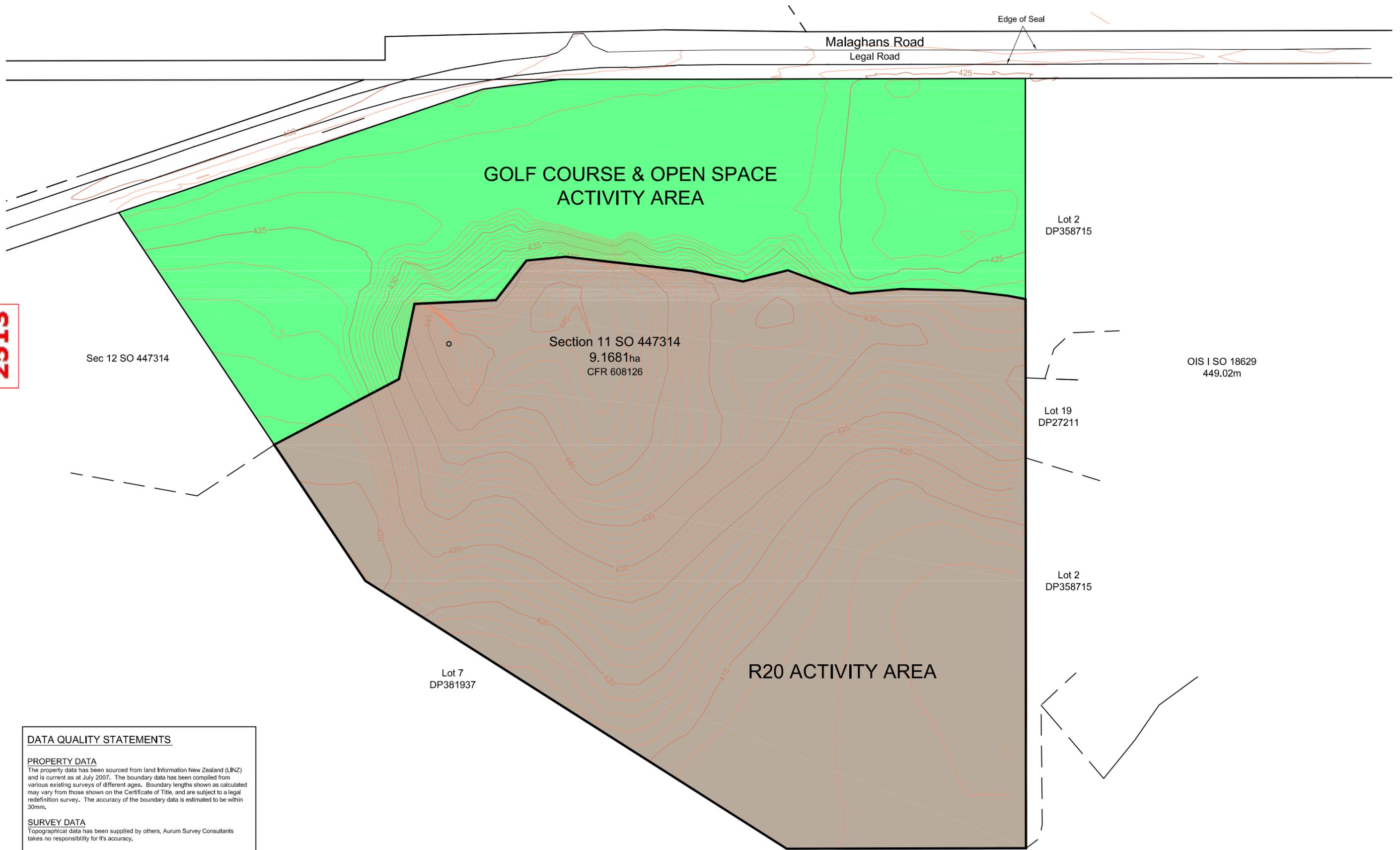


Signature

(Amanda Leith on behalf of Spruce Grove Trust)

Date: 23 February 2018

2513



DATA QUALITY STATEMENTS

PROPERTY DATA
 The property data has been sourced from land Information New Zealand (LINZ) and is current as at July 2007. The boundary data has been compiled from various existing surveys of different ages. Boundary lengths shown as calculated may vary from those shown on the Certificate of Title, and are subject to a legal redefinition survey. The accuracy of the boundary data is estimated to be within 30mm.

SURVEY DATA
 Topographical data has been supplied by others, Aurum Survey Consultants takes no responsibility for it's accuracy.

SURVEY DATUMS
 Horizontal coordinates are in terms of Mount Nicholas 2000 Circuit. Topographical data has been supplied by others, Aurum Survey Consultants takes no responsibility for it's accuracy. Vertical elevations GPS derived. Origin of Levels OIS 1 SO 18629 (449.02m) 1.0m contour interval



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ACTIVITY AREA PLAN
MILL FARM HEIGHTS, QUEENSTOWN
for SPRUCE GROVE TRUST

DATE: 22 Feb 2018	Scale 1:1500	DRAWING & ISSUE No.
BY: B McLeod	Original Plan A3	2618-40R-1B

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