

Appendix C - A copy of the Appellant's submission –

SUBMISSION ON CHAPTER 24 OF STAGE 2 OF THE QLDC PDP

Dated 20 February 2018

Submitter name: United Estates Ranch Limited. C/- Alistair Hey

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Provision	My submission is:	I seek the following:	Reasons for my submission:
Purpose/ objectives and policies	The purpose, objectives and policies do not adequately differentiate between the WBRAZ and the WBLP.	Re-draft the purpose, objectives, and policies to more clearly distinguish between the land within the WBRAZ and the WBLP to: a) reflect their different landscape sensitivity, character, rules; and b) to give effect to the specific amendments sought below	As drafted, there is a risk the objectives and policies will be interpreted too stringently in relation to the WBLP (given the considerably more enabling rules that apply to that area) and may not be sufficient to support the strict WBRAZ rules.
Objectives and policies	The purpose, objectives, and policies do not acknowledge and reflect the existing character of the operative Rural Residential zone at the north of Lake Hayes (RR-NLH)	Apply specific, more enabling objectives and policies to a new Wakatipu Basin Rural Residential Precinct (WBRRP), which accurately reflect the findings of the Study in relation to the Lake Hayes Landscape Unit 12 (LU12).	As above
Maps	The operative RR-NLH has been developed through the existing Rural Residential zoning and has a strong	Zone the land included in the operative RR-NLH as a new Wakatipu Basin Rural Residential Precinct of the WBRAZ and	This is consistent with the findings of the Wakatipu Land Use Planning Study March 2017 ¹ (the Study) in regard to character and

¹ Wakatipu Land Use Planning Study March 2017 worksheet states:

Landscape Character Unit	12: Lake Hayes Rural Residential
Recommended landscape planning strategies	Assessment criteria to address building height, building colours/materiality, building coverage, accessory buildings, domestic infrastructure, external lighting, fencing/gates, riparian planting, framework planting to integrate buildings, views from public places and neighbouring dwellings to the surrounding mountain context and integration of development layout with walkway/cycleway route. Retention of covenanted vegetation features. Integration of clearly legible and robust defensible edges.

The Study defines high absorption High Capacity as – *corresponds to a situation where the unit has a high capability to absorb landscape and visual change associated with additional built development with the scale of capability ‘extending above the normal level; great in amount, value, size or intensity; great in rank or status’.*

The Study states (emphasis added): *For 05 Dalefield, 09 Hawthorn Triangle, 12 Lake Hayes Rural Residential and 21 Arrow Junction Rural Residential, the existing level of built development (including UCPs) and vegetation patterns, in combination with the relatively limited prominence of the unit (as a result of either a low-lying location or visual discreetness) mean that the unit has a High capability to absorb additional development. However, a caveat applies: the existing development patterning (including building locations, vegetation patterns, mounding, and potentially, covenants) may limit the ability to accommodate additional buildings ‘on the ground’.* The Study also states that LU15 and LU08, which adjoin the Lake Hayes Rural Residential area “function as an important breathing space between the more intensive rural residential nodes at the north end of Lake Hayes / Bendemeer and the Arrow River crossing (Arrow Junction).” Such statements suggest the Lake Hayes Rural Residential area exhibits a different, higher density character than many if not all the other WBLP areas.

The Study recommends Lake Hayes Rural Residential 12 should be zoned Wakatipu Basin Rural Lifestyle Precinct, “containing provisions that ‘trump’ the underlying WBRAZ provisions as and where specified, and including specific objectives, policies, rules and assessment criteria.” A minimum lot size of 4,000m² and no minimum average lot size is recommended. The Study seems to recommend that, as well as specific rules, the WBLP would have specific objectives, policies, and assessment criteria that would trump the WBRAZ provisions. This has not transpired to any significant extent in the notified chapter in that while there is a WBLP-specific objective and policies these do not trump the other objectives and the zone-wide objectives are inappropriate to give effect to the more enabling LP rules, even in the form that they are proposed in.

Provision	My submission is:	I seek the following:	Reasons for my submission:
	existing and consented pattern of development and is already serviced. Development in this area should be enabled to continue at a greater density than is allowed by the WBLP rules.	apply more enabling objectives, policies and rules in the manner outlined below. See attached amended planning map.	absorption capacity, noting that while it states the area has capacity to absorb more growth (subject to possible constraints), the WBLP provisions would enable only an estimated 6 more dwellings. This is not considered consistent with the Planning Study findings. This will better achieve the strategic directions objectives while continuing to be give effect to the landscape objectives and policies and the more specific WBLP one of chapter 24. A specific WBRRP would better recognise the existing density and character of this area.
Policy 24.2.1.2	The policy to ensure development minimises modification to the landform does not recognise that in order to achieve high quality rural residential development earthworks may be required to enable dwellings to be built into sloping land (to minimise the impact of built form on sloping land for example), or to enable the creation of ponds to help preserve the water quality of mill creek or to enable mounding to mitigate visual effects. All such earthworks are a part of the existing character of this area.	Amend the policy as follows or similar: Ensure subdivision and developments are designed ... to i) minimise modification to the landform in the WBRAZ, <u>while recognising that</u> <u>a) in the WBLP and WBRRP modification of the landform may be acceptable provided amenity values are maintained or enhanced; and</u> <u>b) the temporary modification of the landform is acceptable during construction provided the landform is reinstated.</u> (ii) Maintain and enhance the landscape character and visual amenity values.	See 'my submission is:' column
24.2.1.5	The use of the term 'nearby' in this Policy and in assessment matter 24.7.3 (g) is too uncertain.	Remove the use of this term or replace it with a term that is more well defined.	
Policy 24.2.1.9	The policy to provide for openness and spaciousness is not relevant or appropriate to the operative RR-NLH.	Do not apply this policy to the operative RR-NLHZ land/ proposed new WBRRP or to any other areas where this is not an existing or anticipated component of the landscape character.	The operative RR-NLH does not exhibit such openness and spaciousness, as evidenced by the Wakatipu Basin Land Use Planning Study. That Study does not identify it as having such characteristics and, in fact, when describing the

Provision	My submission is:	I seek the following:	Reasons for my submission:
			<p>environmental characteristics and amenity values of the Speargrass Flat unit (8)) describes its Sense of openness and spaciousness as a 'foil' for the more intensively developed rural residential areas nearby. To the contrary, in relation to the Lake Hayes unit (12) it states that "the enclosed and screened nature of the area, together with its established rural residential node character, suggests the potential to integrate additional development with minimal impact on the wider basin landscape" is a potential landscape opportunity/ benefit associated with additional development.</p> <p>In addition, Schedule 24.8 states the North Lake Hayes Rural Residential area has "generally, a high degree of enclosure as a consequence of the vegetation patterns". As such, Policy 24.2.1.9, which seeks to provide for activities that maintain a sense of openness and spaciousness, should not be applied to this area.</p>
24.2.5.6	The removal of wilding species as part of subdivision and development should be encouraged.	Retain vegetation where this contributes to landscape character and visual amenity values of the Precinct and is integral to the maintenance of the established character of the precinct, <u>while acknowledging the removal of wilding species as an environmental benefit of development.</u>	This is consistent with and will help achieve the objectives of Chapter 34 of the PDP.
Rule 24.3.4 (sic as should be 24.4.4)	It is not appropriate to limit development to one residential unit per site. The rules are also ambiguous whether more than one unit per site is also permitted (as there is no standard suggesting it requires consent) or whether it defaults to Rule 24.4.1 as it is not listed. If more than one unit per site is non-complying	Delete this rule, at least as it relates to the new WBRRP and potentially add instead, a maximum density rule allowing one unit/ 4,000m ² consistent with the minimum lot size sought in this submission.	There is no reasoning provided in the S32 report for this rule. Units should be allowed to be developed ahead of subdivision (provided a density equal to the minimum lot size is met). There are numerous examples of this occurring in the RR-NLHZ in the past.

Provision	My submission is:	I seek the following:	Reasons for my submission:
	then this rule (amended to 24.4.4) is opposed		
24.4.5	Given the relatively low landscape sensitivity of the area, controlled activity status (together with height, setback, and coverage standards) is the most efficient and an equally effective method of ensuring that adverse effects for buildings in the new WBRRP on landscape and amenity are satisfactorily mitigated.	Amend the rule such that buildings in the new WBRRP (or WBLP if the WBRRP is not granted) should be controlled	
24.5.1	Imposing a maximum 500m ² maximum GFA on all buildings on a site and requiring a restricted discretionary activity consent for buildings larger than this is unjustified in terms of effects.	Amend the rule as follows or similar: Building coverage The maximum building coverage for all buildings shall be 15% of lot area <u>in the WBLP and WBRRP or 500m² gross floor area whichever is the lesser and, in addition, in all parts of the WBRAZ all buildings other than farm buildings shall cover a total of no more than a maximum of 1,000m² of site area.</u>	GFA and building coverage are two different things, in that, as defined, GFA includes GFA located below and above ground. It is not clear what the purpose of the rule is (e.g. is it to limit scale, create/ retain spaciousness, create a certain character, or avoid unacceptable stormwater runoff). Matters of scale and spaciousness are sufficiently dealt with by coverage, setbacks, and height rules and there should be no need for a GFA rule.
24.5.2	Support the 10 m setback.	No change	
24.5.3	The 6 m height is unjustified in the proposed new WBRRP area and the operative 8 m standard is more appropriate given the receiving environment.	Increase the height to 8 m for buildings (non-complying thereafter) in the WBRRP that is sought in this submission	There are a relatively large number of existing and consented dwellings higher than 6 m (measured pursuant to the ODP) and 2 storey buildings form part of the existing and consented character of this area. There is no specific reasoning in the s 32 report or Landuse Planning Study for reducing building height in this location.

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24.5.7	Setbacks from waterbodies – the wording and, specifically, the broad definition of ‘wetland’ in the RMA could also include man made stormwater detention ponds. These assist with water quality and the provision of ecological habitat and are to be encouraged. The highly restrictive nature of this rule, especially in the context of smaller WBLP and WBRRP sites, will indirectly discourage the creation of such ponds. In turn, this will not support Objective 24.2.4 (enhancing water and ecological quality). Also, where such ponds have been developed, this could unfairly restrict development rights on adjoining properties.	Amend the Rule to exempt man made ponds that are built for the primary purpose of sustainably treating and disposing of stormwater.	See ‘my submission is:’ column.
Assessment Matter 24.7.3 –	Amend the Assessment Matter to make it clearer and to more accurately reflect the anticipated outcome for each area/ precinct.	<p>Buildings – the Assessment Matter should be split into 3 separate sections – buildings, coverage and height encroachments, and residential flats to avoid matters being considered where there is no jurisdiction to do so (e.g. where a building meets the maximum height then the height-related Assessment Matters shall not be considered).</p> <p>b) The size of accessory buildings should not be an Assessment Matter unless the coverage and/ or height rules are breached; retention of existing vegetation and landform patterns in the precinct should be amended to also consider enhancement of these patterns and the extent to which the proposal will achieve the patterns anticipated by the rules and in the context of the amenity and character elements set out in Schedule 24.8.</p> <p>e) this needs to be applied/ considered differently to relation to the WBRRP (and</p>	

Provision	My submission is:	I seek the following:	Reasons for my submission:						
		<p>potentially some areas of the WBLP) compared to the WBRAZ and needs to state “openness and spaciousness <u>where that is an existing character element or a future outcome anticipated by the provisions</u>”. See reasoning above in relation to Policy 24.2.1.9.</p>							
Rule 27.4.2 (g)	<p>If the operative RR-NLH area is not rezoned as WBRRP with a 4000m² minimum lot size and no minimum average lot size, then this rule is opposed in relation to the operative RR-NLH land.</p>	<p>Make amendments if necessary to ensure the rule does not relate to the RR-NLH land in the operative district plan.</p>							
Rule 27.4.2(h)	<p>This rule is opposed.</p>	<p>Delete or amend the rule such that if dwellings have been approved in accordance with the permitted minimum density then the subdivision of those units should be subject to the same status as any other subdivision in this zone (i.e. restricted discretionary, as notified).</p>	<p>There is no environmental effect from the subdivision of consented residential units. Landowners should have the right to build before subdivision if they so wish.</p> <p>A more comprehensive approach to building layout and design is often highly advantageous and should be encouraged rather than discouraged.</p> <p>This is relatively common practice in the operative RR-NLH land, with a number of examples of building occurring prior to subdivision. E.g. there are three separate dwellings located at 39 Rutherford Road (which is 2.6 ha in area) but these rules would make it non-complying to subdivide them even though the operative lot size rules are met.</p>						
Rule 27.5.1	<p>Oppose the inclusion of the operative RR-NLH area in the proposed WBLP and the application of a 6,000m² min lot size and 1 ha minimum average lot size to that area of land.</p>	<p>Create a WBRRP and amend the minimum lot size to 4,000m² and apply no minimum average lot size.</p> <p>Amend rule 27.5.1 as follows:</p> <table border="1" data-bbox="920 1262 1440 1358"> <tr> <td data-bbox="920 1262 1077 1294">Minimum Area</td> <td data-bbox="1077 1262 1160 1294">Lot Rural</td> <td data-bbox="1160 1262 1440 1294">80ha</td> </tr> <tr> <td data-bbox="920 1294 1077 1326">Wakatipu</td> <td data-bbox="1077 1294 1160 1326">Basin</td> <td data-bbox="1160 1294 1440 1326"></td> </tr> </table>	Minimum Area	Lot Rural	80ha	Wakatipu	Basin		<p>There is no reasoning provided in the S32 report for deviating from the 4,000m² minimum/ no average lot size that was recommended in the Wakatipu Basin Land Use Planning Study for WBLP in respect of the RR- NLH land.</p> <p>While case studies were relied on by Council to deviate from the Landuse Planning Study recommendation of a 4000m² minimum lot size,</p>
Minimum Area	Lot Rural	80ha							
Wakatipu	Basin								

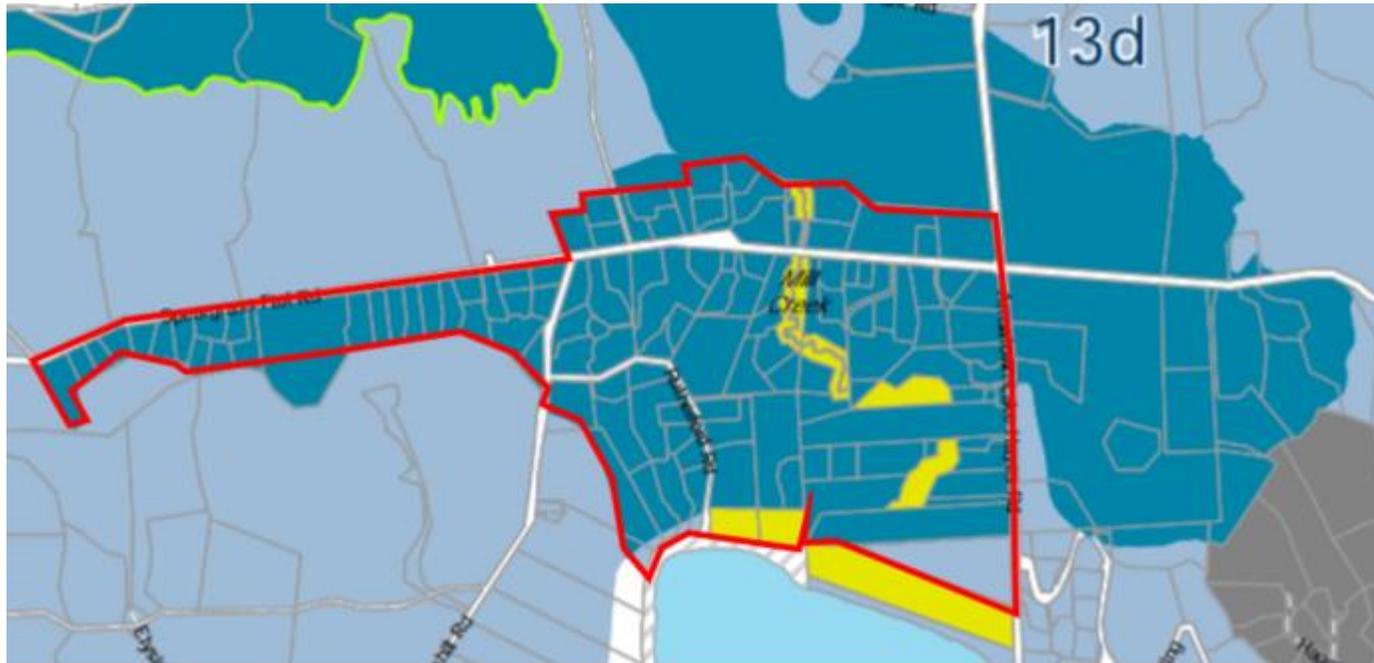
Provision	My submission is:	I seek the following:	Reasons for my submission:						
		<table border="1"> <tr> <td data-bbox="918 181 1160 240">Rural Amenity Zone</td> <td data-bbox="1160 181 1438 240"></td> </tr> <tr> <td data-bbox="918 240 1160 336">Wakatipu Basin Lifestyle Precinct</td> <td data-bbox="1160 240 1438 336">6000m² minimum/1.0ha average</td> </tr> <tr> <td data-bbox="918 336 1160 427"><u>Wakatipu Basin Rural Residential Precinct</u></td> <td data-bbox="1160 336 1438 427"><u>4000m² minimum</u></td> </tr> </table>	Rural Amenity Zone		Wakatipu Basin Lifestyle Precinct	6000m ² minimum/1.0ha average	<u>Wakatipu Basin Rural Residential Precinct</u>	<u>4000m² minimum</u>	<p>no case study was undertaken for the Lake Hayes landscape unit and this area bears no resemblance to those areas where further case studies were undertaken.</p> <p>In the context of the operative RR-NLH, the 6,000m² and 1 ha average is less dense than the existing development pattern within the Operative rural residential zoned land in this location. It is contrary to the fact the Wakatipu Basin Land Use Planning Study concludes that the area has a high capability to absorb <u>additional</u> development.</p> <p>As such, there is no evidential basis for increasing the minimum lot size and introducing a 1 ha average for this area of land. The provisions are not supported by the various statements in Schedule 24.8² in relation to the Lake Hayes Rural Residential landscape unit in that the proposed minimum and average lot sizes are considerably less than currently enabled and will enable very little additional development of an area that is currently zoned for rural residential purposes and is full connected to council reticulated services.</p> <p>It is inappropriate to apply the WBLP lot sizes to the long-established RR-NLH.</p> <p>This is an inefficient use of land and services and is contrary to Part 2 of the Act.</p>
Rural Amenity Zone									
Wakatipu Basin Lifestyle Precinct	6000m ² minimum/1.0ha average								
<u>Wakatipu Basin Rural Residential Precinct</u>	<u>4000m² minimum</u>								

² “The enclosed and screened nature of the area, together with its established rural residential node character, suggests the potential to integrate additional development with minimal impact on the wider basin landscape.”

“Capability to absorb additional development - High (Potentially limited by existing building, vegetation and lot patterns)”

Provision	My submission is:	I seek the following:	Reasons for my submission:

Proposed planning map amendment



 = New Wakatipu Basin Rural Residential Precinct proposed

Submitter Details

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Trade competition and adverse effects:

I could I could not

gain an advantage in trade competition through this submission

I am I am not

directly affected by an effect of the subject matter of the submission that :

a. adversely affects the environment, and

b. does not relate to the trade competition or the effects of trade competitions.

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

Wishes to be heard:

Yes

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

Preferred hearing location:

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

**Chapter 25 -
Earthworks**

**Chapter 29 -
Transport**

**Chapter 31
- Signs**

**Chapter 38 - Open Space and
Recreation**

**Visitor
Accommodation -
Variation**

Hearing Needs:

Correspondence to:

Submitter

Agent

Both

Submission

Attached Documents

File
United estates ranch submission on PDP - chapter 24 - 20 Feb 2018

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

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