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Queenstown Lakes District Council
Private Bag 50072
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By email only: dphearings@qldc.govt.nz

Dear Sir/Madam,

RE: COMMENT ON BEHALF OF THE OIL COMPANIES (SUBMITTER 768) ON ADDITIONAL MATERIAL RECEIVED BY THE PANEL DURING HEARINGS ON THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

1. INTRODUCTION

Thank you for the opportunity to comment on additional material received by the panel. Given the limited timeframe provided for a response these comments are specific to the Memorandum of Counsel for QLDC dated 18 March and in particular to the Revised Chapter Working Draft provided at Schedule 1 to that memorandum. Numbering references are as per the Revised Chapter Working Draft.

2. APPLICATION OF THE LANDSCAPE PROVISIONS

The following changes to 6.4.1.2 and 6.4.1.3 are proposed by Council through the memorandum:

- 6.4.1.2 ~~The landscape categories apply only to the Rural Zone.~~ The Landscape Chapter and Strategic Direction Chapter's objectives and policies are relevant and applicable in all zones where landscape values are at issue. **Comment [CB16]:** Submitter 836.19
- 6.4.1.3 ~~The landscape categories assessment matters apply only to the Rural Zone, and for clarification purposes do not apply to the following areas within the Rural Zones:~~ **Comment [CB17]:** Submitter 836.19

These changes are not supported. They are inconsistent with the hierarchical intent of the policy framework and in particular the last paragraph of the section 6.2 (values) which states that:

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.

The approach established above is most clearly reflected in Policy 6.3.1.1 and Objective 6.3.5 and, as notified, was also reflected in Objective 6.3.1 (now proposed to be changed to a generic policy, but without submitter reference).

The Oil Companies note that specific policy and assessment matters are also provided to manage the potential effects with respect to lakes and rivers, indigenous biodiversity and tourism in the rural zones.

The Oil Companies supported that approach and considered it suitable and appropriate, given the limited scope and nature of this section of the review. If more generic provisions were to be introduced, then the Oil Companies considered that this should be done through a separate stage of the review.

The proposed changes to 6.4.1.2 and 6.4.1.3 of these provisions should be rejected.

3. CHAPTER 6 OBJECTIVES

Changes to Objectives 6.3.2 - 6.3.8 appear to maintain the intent of the original objectives, which were supported. The proposed amendments to Objective 6.3.1 as set out below are, however, not supported:

6.3.1 ~~Objective - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development. Landscapes are managed and protected from the adverse effects of subdivision, use and development.~~

The statement that “Landscapes are managed” is overly broad and administratively unhelpful. If this phrase is removed, the objective would then read: “Landscapes are protected from the adverse effects of subdivision, use and development.” Protection implies an active management approach and appears to imply that landscapes generally should be protected from all adverse effects. This does not appear to allow for any change and is inconsistent with other policies that indicate that change is acceptable in some areas (eg: Policies 6.3.1.4 and 6.3.1.5). The RMA is not a “no effects” statute. The following drafting is therefore preferred:

Landscapes are protected from the adverse effects of inappropriate subdivision, use and development.

The policy framework indicates what is considered to be inappropriate.

4. CHAPTER 6 POLICIES

The following changes are proposed to policies 6.3.1.1 and 6.3.1.4:

6.3.1.1	<u>Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the Planning Maps.</u>	
6.3.1.2	<u>Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the Planning Maps and C classify the Rural Zoned landscapes in the District as:</u> <ul style="list-style-type: none">• Outstanding Natural Feature (ONF)• Outstanding Natural Landscape (ONL)• Rural Landscape Classification (RLC)	Comment [CB6]: Submitters 456, 761, 375, 430.
6.3.1.4	<u>Avoid u Urban subdivision and <u>urban</u> development in the Rural Zones shall:</u> <ul style="list-style-type: none">• <u>Avoid degradation of the Outstanding Natural Features and Landscapes.</u>• <u>Be located only in those parts of the Rural Landscape that have capacity to absorb change.</u>	Comment [CB7]: Submitters 768, 806, 356.

Proposed policies 6.3.1.1 and 6.3.1.4 provide improved clarity and are supported. The Oil Companies would like to see an “and” inserted between the first and second bullet points of Policy 6.3.1.4.

The following changes are proposed by the Council to Policy 6.3.1.7:

6.3.1.7	<u>Ensure that the location and direction of lights does not cause glare to other properties, roads, and public places or avoids degradation of the night sky, landscape character and sense of remoteness where it is an important part of that character.</u>	Comment [CB10]: Submitters 761 & 806.
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The intent of the change is largely supported, however, the intent of the use of the term “degradation” is questioned. Degradation refers to a process of decline to a low level, and as such avoiding degradation could be interpreted as imposing a zero tolerance threshold because any decline, no matter what of scale, contributes to the process of decline to a low level. If that is not what is intended, then the intent of the policy should be clarified. Furthermore, the reference should be to night sky viewing, as degradation to the night sky itself is probably unlikely.

Yours sincerely

BURTON PLANNING CONSULTANTS LIMITED



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