

Before Queenstown Lakes District Council

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In the matter of            The Resource Management Act 1991

And                            The Queenstown Lakes District Proposed District Plan Topic 12  
Upper Clutha Mapping

**LEGAL SUBMISSIONS (Part One) FOR**

Allenby Farms Limited (#502 and #1254)

Dated 5 April 2017

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**anderson  
lloyd.**

## MAY IT PLEASE THE PANEL

- 1 This document comprises Part One of Legal Submissions lodged on behalf of Allenby Farms Limited (**Allenby**) in respect of Submission #502. These Part One Submissions are lodged for the limited purpose of setting out a short factual summary of what is a relatively complex rezoning proposal, in order to provide the Commissioners and Council staff with an initial understanding of the basis upon which the evidence has been briefed and prepared.
- 2 For the purpose of these Part One Submissions the following plans are attached and will be referred to (being copies of plans annexed to the evidence of Mr Lynden Cleugh and Mr Duncan White):
  - (a) **Plan A** identifies various stages of development of the original Allenby Farm (as explained in Mr Cleugh's evidence). The evidence which has been lodged primarily addresses Area 7 (plus brief references to Area 8). Area 7 includes the Little Mt Iron property which was not referred to in the original submission by Allenby but which has been acquired by Allenby since submissions were lodged to the PDP.
  - (b) **Plan B** shows existing public trails in the wider area, including existing DOC and QLDC trails relevant to this hearing, plus new trails proposed to be created which are identified as Alpha, Bravo, Charlie, Delta, Echo, Foxtrot and Golf.
  - (c) **Plan D** is the proposed Mt Iron Park Structure Plan (intended to be included in the PDP) which (for the purpose of these Part One Submissions) identifies the proposed Mt Iron Park Rural Lifestyle Zone, 15 building platforms proposed within the zone, a Protection Area located on the Allenby land which was subject to the original Allenby submission, and a Protection Area and a Revegetation Area located on the Little Mt Iron property.
  - (d) **Plan X** is the Significant Natural Areas plan which is annexed to the planning evidence of Duncan White.
- 3 The original Allenby submission #502 requested an extension of the notified Large Lot Residential (**LLR**) zone onto the Allenby land to enable up to 15 residential dwellings. On further consideration, that requested LLR zoning does not properly reflect the substantive relief requested. The area requested to be rezoned contains 19.7 hectares. If 15 houses were enabled that would result in a residential density of 1 house per 1.3 hectares. That is actually a Rural Lifestyle (**RL**) density. Allenby now seeks a new RL zone to properly reflect the relief requested in the original submission. The area to be rezoned has not changed, and the number of houses to be enabled remains unchanged at 15

(although it is noted that that includes 3 existing dwellings, so the proposed rezoning would only enable 12 new dwellings).

- 4 The original Allenby submission #502 requested amendments to the boundaries of the Significant Natural Area (**SNA**) identified as SNA E18C and proposed an objective and policies to permanently manage the amended SNA E18C to retain its ecological values. The majority of that amended SNA E18C is identified as the Protection Area containing 51ha on Plan D, and the now recommended objectives and policies seek to achieve the ecological management regime requested in the original Allenby submission.
- 5 As a result of a recommendation by Dr Kelvin Lloyd, part of the original SNA E18C which extends into the proposed RL Zone, which was proposed to be removed, is now proposed to be retained. This is shown on Plan X. That part of the proposed SNA E18C is now to be afforded additional protection through rules applicable within the proposed RL zone which prevent any removal of native vegetation within that area.
- 6 During the preparation of evidence it was appreciated that the Allenby Mt Iron property is subject to extensive informal (and illegal) use by the general public. That public access is now proposed to be formalised and retained on a permanent basis. Objectives, policies and rules are proposed to achieve that outcome.
- 7 The 'Little Mt Iron' property which is identified on all the attached plans came onto the market within the last few months. That property has the benefit of consent for a single dwelling in the upper northeast corner of the property. Having secured a conditional contract to purchase that property, and having consulted with the Department of Conservation about the overall recreational and ecological values of Mt Iron (including the southern face and part of the eastern slopes of Mt Iron which are managed by DOC and which are identified as coloured green on Plan A and Plan B), Allenby decided to purchase that property to enable the development of a holistic land management strategy (recreational and ecological) covering the whole of Mt Iron (excluding the adjoining residential and rural residential zones). The now proposed objectives/policies/rules regime seeks to achieve that objective.
- 8 The original Allenby submission did not detail proposed rules. Instead the submission requested appropriate rules to implement the requested objective and policies. Duncan White's planning evidence contains a detailed suite of rules intended to achieve the now proposed objectives and policies.
- 9 As a consequence of the matters detailed above, that detailed suite of rules is relatively complex. The rule framework depends upon the initial subdivision within the zone. That initial subdivision must:

- (a) Include all 15 building platforms intended to be developed within the zone (refer to Plan D);
- (b) Facilitate and mandate a pest plant and pest animal control regime across the Protection Areas (refer Plan D);
- (c) Implement a revegetation program within the Revegetation Area (refer Plan D);
- (d) Create the proposed new public trails identified on Plan B and ensure they are maintained;
- (e) Ensure that the owner of the land containing at least one building platform within the zone also owns the land containing the Protection Areas and the Revegetation Area (for ongoing management reasons which will be explained in subsequent more detailed legal submissions);
- (f) Ensure that the landowners within the RL zone meet the ongoing costs arising from (b), (c) and (d) above.

10 A practical (although not essential) consequence of the matters detailed above is likely to be an RL type residential lot created around the consented house located on Little Mt Iron, with the balance of Little Mt Iron containing the Protection Area and Revegetation Area being amalgamated with the other Protection Area (that likely consequence is illustrated on Plan D). That additional residential lot will also be subject to the cost contribution regime referred to in (f) above.

11 The proposed rule structure is therefore somewhat unusual, but should be easily understood if read with the above objectives in mind.

Dated 5 April 2017

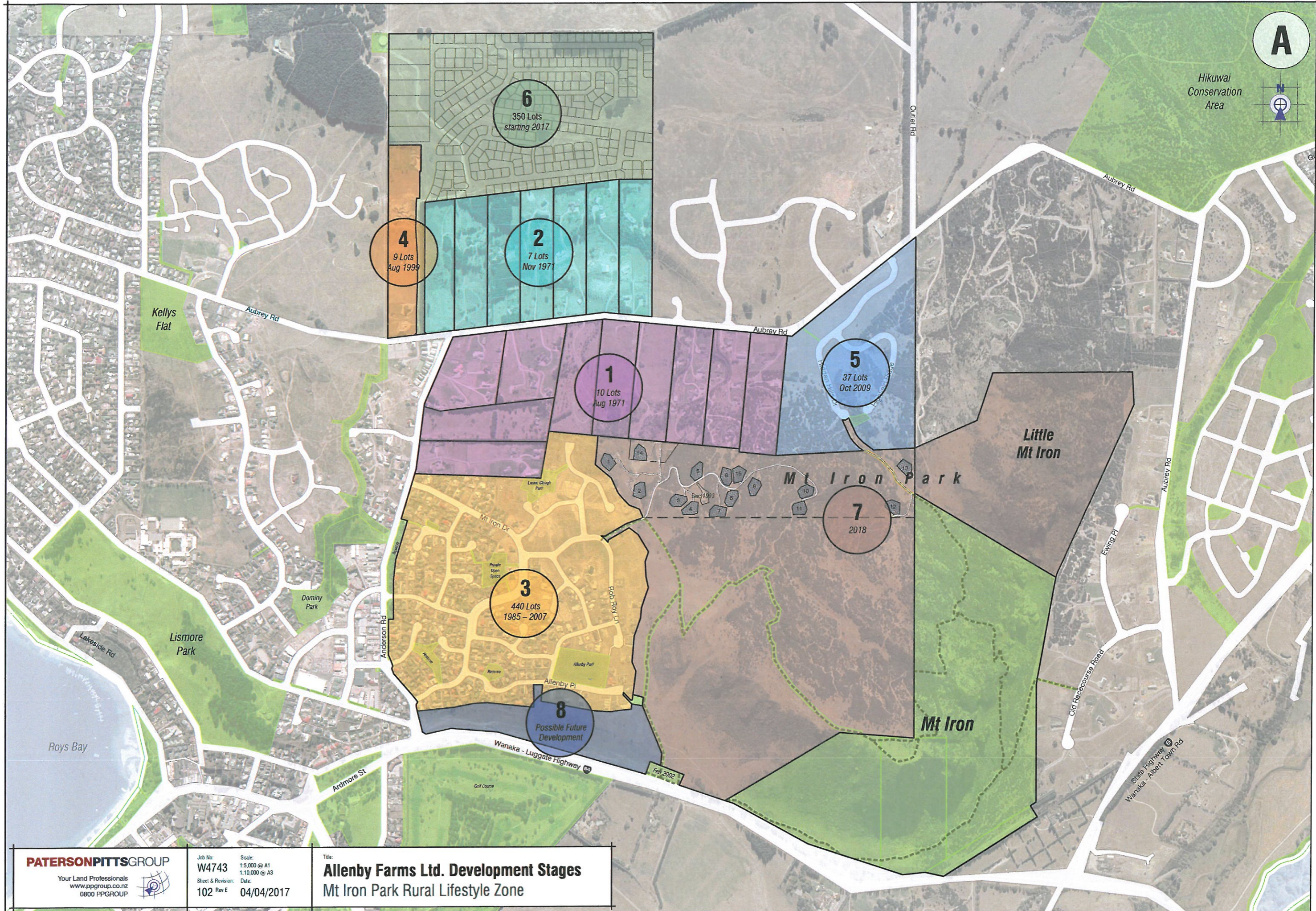


Warwick Peter Goldsmith/Rosie Hill

Counsel for Allenby Farms Limited



Hikuwai Conservation Area



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Job No: W4743  
Scale: 1:5,000 @ A1  
1:10,000 @ A3  
Sheet & Revision: 102 Rev E  
Date: 04/04/2017

Title:  
**Allenby Farms Ltd. Development Stages**  
**Mt Iron Park Rural Lifestyle Zone**

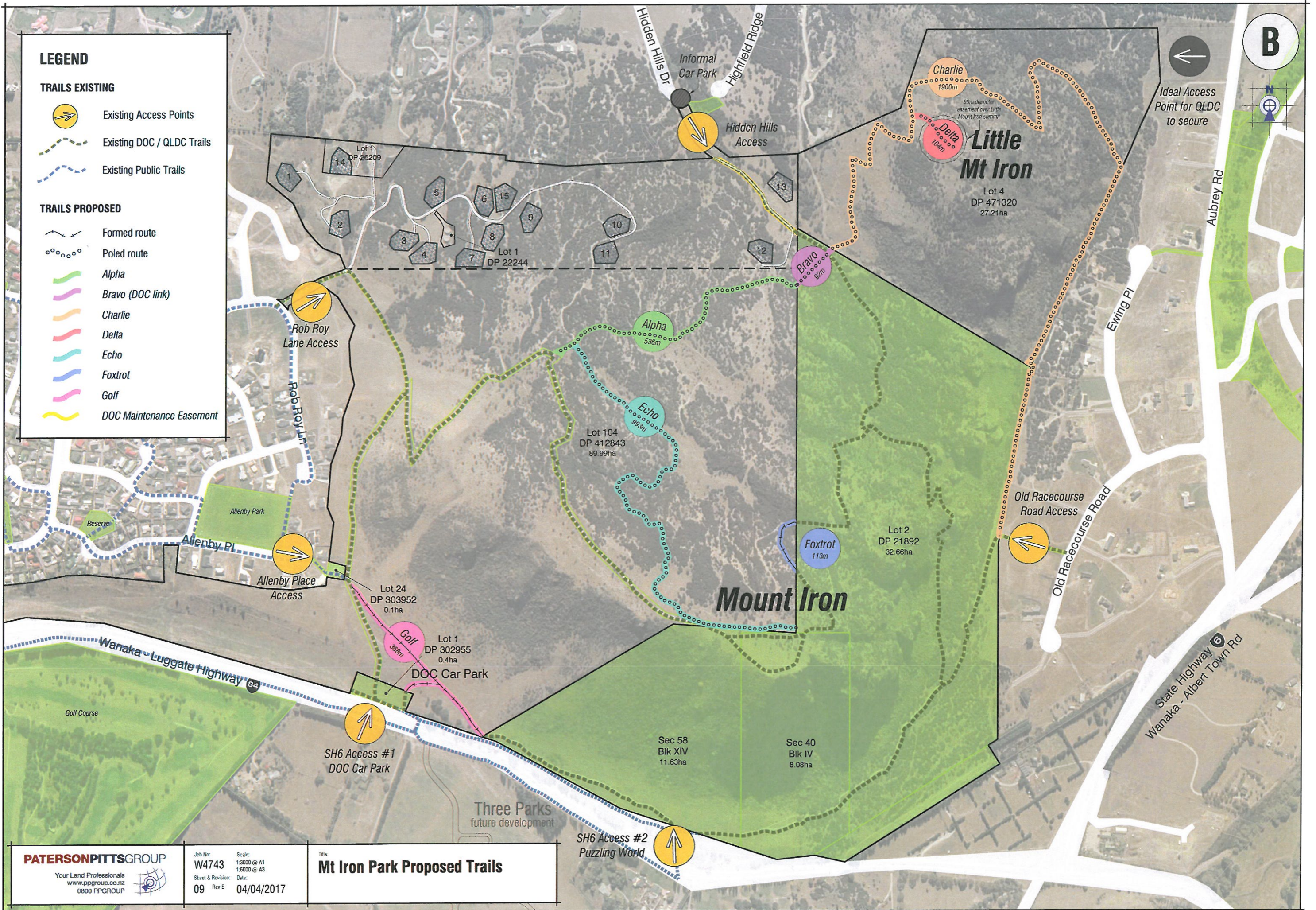
**LEGEND**

**TRAILS EXISTING**

-  Existing Access Points
-  Existing DOC / QLDC Trails
-  Existing Public Trails









**TRAILS PROPOSED**

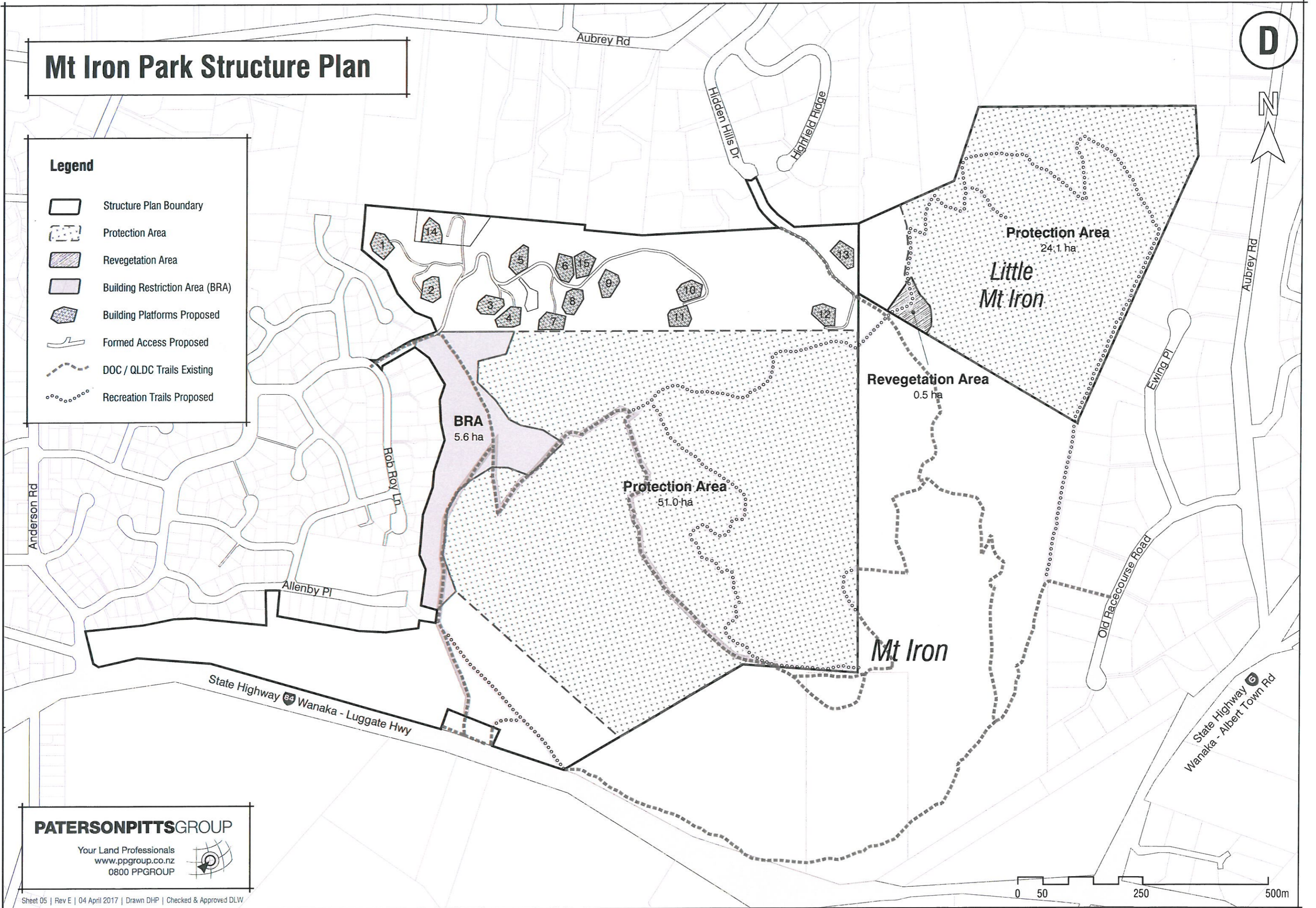
-  Formed route
-  Poled route
-  Alpha
-  Bravo (DOC link)
-  Charlie
-  Delta
-  Echo
-  Foxtrot
-  Golf
-  DOC Maintenance Easement



# Mt Iron Park Structure Plan

## Legend

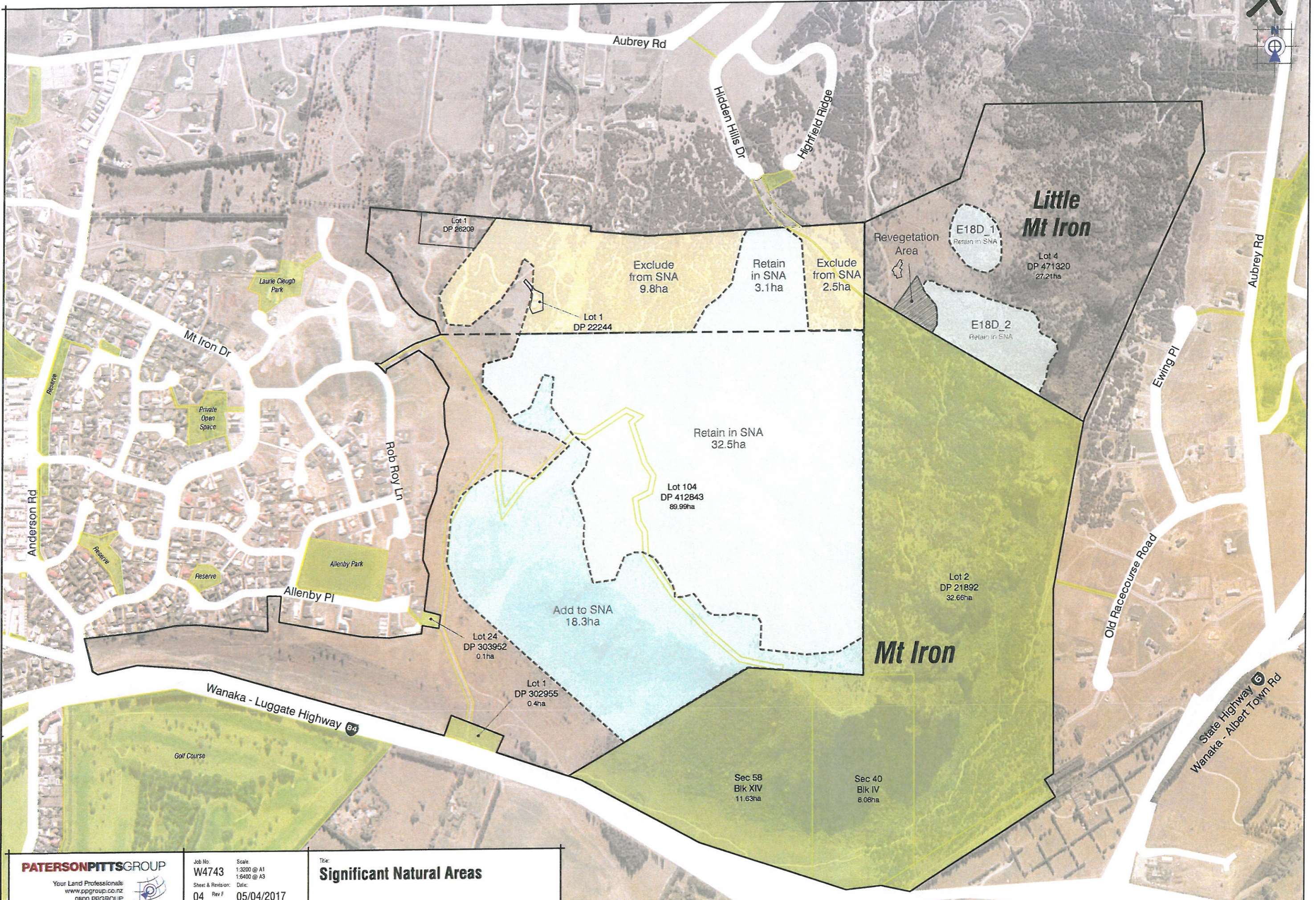
-  Structure Plan Boundary
-  Protection Area
-  Revegetation Area
-  Building Restriction Area (BRA)
-  Building Platforms Proposed
-  Formed Access Proposed
-  DOC / QLDC Trails Existing
-  Recreation Trails Proposed



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Title: **Significant Natural Areas**