

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

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: Lesley and Jerry Burdon

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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. Lesley and Jerry Burdon's submission is that:

Lesley and Jerry Burdon own Lot 1 DP 396356, Lake Hawea ('the Site'). The Proposed District Plan zones the Site Rural General. This zoning is identified on Proposed Planning Map 8 – Wanaka Rural.

Lesley and Jerry Burdon **oppose** the Proposed District Plan (PDP) on the following basis:

4.1 The District Plan map and the identified zoning as it relates to the Site.

- 4.2 The PDP objectives, policies and rules of the Strategic Directions (3), Landscape (6), Rural (21) and Rural Living (22) Chapters that informs and supports the proposed zoning of the Site.
- 4.3 The PDP objectives and policies of the Strategic Directions (3) and Landscape (6) Chapters.

Without derogating from the generality of the above, Lesley and Jerry Burdon further submit that:

- 4.4 Expert assessments of the site from a landscape architect and engineering personnel have indicated that the site has capacity to absorb controlled rural living opportunities without resulting in substantial adverse effects.
- 4.5 The Section 32 report attached to this submission addresses whether the zoning of the site can better reflect this opportunity.
- 4.6 The key resource management issues addressed within the Section 32 report are:
1. Whether the zoning of the subject site can provide for rural living opportunities whilst ensuring the effects of development on the sites position within an Outstanding Natural Landscape can be protected from inappropriate use and development.
 2. Whether zoning can give greater protection to sections of the site that do not have the capability of absorbing change.
 3. Whether zoning can give greater protection to the maintenance and enhancement of indigenous vegetation on site.
- 4.7 Through the Section 32 assessment it is concluded that the most appropriate and effective zone for this site is its inclusion as part of a Rural Lifestyle Zone with a specific objective, policies and rules that can ensure future development protects the Outstanding Natural Landscape. The Section 32 report concludes:

'The identified resource management issues are met through:

- *Enabling rural living development in appropriate locations whilst specific provisions are included in the plan to ensure any adverse effects on landscape values and amenity values of the Outstanding Natural Landscape are avoided, remedied or mitigated*
- *The protection of vast areas of the site considered the most sensitive to change from a landscape perspective from development. The area in which development may occur is limited to five specified areas (including the existing house).*
- *Encouraging the protection and regeneration of indigenous vegetation throughout the site enhancing natural character.*

The proposed zone change is considered to be the most appropriate option to address the identified resource management issue when considered against the alternatives. The proposal is consistent with the purpose of the Act and aligns with existing and proposed Regional Policy Statement and the provisions of the Proposed District Plan. The effects on the environment as a result of the zone change are addressed under the cost and benefit analysis above and are assessed as minor'.

4.8 The submitter also seeks the following changes to the Strategic Direction Chapter (3) of the PDP (added text underlined and deleted text with a strike through):

- **Objective 3.2.5.1 Protect** the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from inappropriate subdivision, use and development.
- **Objective 3.2.5.4 Recognise there is a finite** Provide for an appropriate future capacity for residential activity in rural areas ~~if the qualities of our~~ while recognising the importance of natural landscapes ~~are to be maintained.~~

4.9 The submitter also seeks the following changes to the Landscape Chapter (6) of the PDP (added text underlined and deleted text with a strike through):

- **Policy 6.3.1.3** *That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature be located and designed in such a manner that protects the Outstanding Natural Landscape or an Outstanding Natural Feature from inappropriate subdivision use or development. ~~be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations, meaning successful applications will be exceptional cases.~~*
- **Policy 6.3.1.11** *Recognise the importance of protecting avoiding, remedying, or mitigating adverse effects on landscape character and visual amenity values, particularly as viewed from public places.*
- **Objective 6.3.2** *Avoid remedy or mitigate adverse cumulative effects on landscape character and visual amenity values caused by incremental inappropriate subdivision and development.*
- ~~**Policy 6.3.2.1** *Acknowledge that subdivision and development in the rural zones, specifically residential development, has a finite capacity if the District's landscape quality, character and amenity values are to be sustained.*~~
- **Policy 6.3.2.2** *Allow ~~Provide~~ for residential subdivision and development ~~only~~ in locations where the which has regard to the District's landscape character and visual amenity values would not be degraded.*
- **Policy 6.3.4.3** *Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places. ~~with emphasis on views from formed roads~~*

4.10 It is submitted that the proposed changes as described in paragraphs 4.8 and 4.9 better reflect the purpose and terminology of the RMA and provide a clearer and more certain policy direction for the PDP.

4.11 As it stands, and without the amendments (or other such appropriate relief) sought through this submission, the PDP:

- does not promote or give effect to Part 2 of the Act,
- does not meet section 32 of the Act,
- is contrary to the purposes and provisions of the Act and other relevant planning documents;
- is inappropriate and inconsistent with the purpose and principles of the Act; and
- is not the most appropriate method for achieving the objectives of the PDP having regard to its efficiency and effectiveness, and taking into accounts the costs and benefits.

5. The submitter seeks the following decision from the Queenstown Lakes District Council:

- 5.1 The inclusion of Lot 1 DP 396356 in the Rural Lifestyle zone with the inclusion of a no build restriction area as shown on the plan attached to this submission dated 20 September 2015.
- 5.2 Add the following objective and policies into the Rural Living Chapter (22):

Objective – The Dene Rural Lifestyle Zone. *To enable rural living development in a way that protects and maintains the outstanding natural landscape and visual amenity values as experienced from Makarora – Lake Hawea Road, the Lake Hawea Township and Lake Hawea.*

Policies

- (a) *The subdivision design, identification of building platforms and associated mitigation measures shall ensure that built form and associated activities within the zone are inconspicuous when viewed from Makarora – Lake Hawea Road, the Lake Hawea Township and Lake Hawea. Measures to achieve this include:*
- *Prohibiting development over the sensitive areas of the zone via building restriction areas;*

- *Appropriately locating building platforms within the zone so they are minor components within the landscape vistas of the Zone, including restrictions on future building bulk and recessive colour tones;*
- *The identification of residential curtilage areas;*
- *Using native vegetation to assist visual screening of development;*

(b) To maintain and enhance indigenous vegetation and ecosystems within building restriction area. This shall include appropriate on-going controls to manage and remove pest and weed species.

5.3 Add the following rules into the Rural Living Chapter (22):

1. *The maximum number of residential building platforms permitted within 'The Dene' Rural Lifestyle Zone is five (including one building platform encompassing the existing residential dwelling). Noncompliance with this rule to be a non-complying activity.*
2. *The maximum height of all buildings within 'The Dene' Rural Lifestyle Zone shall be 5m. Noncompliance with this rule to be a non-complying activity.*

5.4 The modifications to the Strategic Direction (3) and Landscape (6) Chapters outlined paragraphs 4.8 and 4.9.

5.5 The submitters also seek 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
- (d) 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

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

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



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Ian Greaves (on behalf of Lesley and Jerry Burdon)

23 October 2015

Attachment [A]: Section 32 Report and attached Appendices

Attachment [B]: Proposed Zoning Map dated 20 September 2015