

ANNEXURE 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: D Hamilton & L Hayden

Address for Service: D Hamilton & L Hayden
C/- Southern Planning Group
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Attention: Scott Freeman
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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. **Scope of submission**

The specific provisions of the proposal that this submission relates to are outlined below.

Property address:

- 76 Hunter Road, Wakatipu Basin (Lot 2 DP 27832)

District Plan Provisions:

Stage 2: Chapter 24 – Wakatipu Basin

Variation to Stage 1: Chapter 27 – Subdivision and Development

Maps:

The maps and overlays as they relate to land holdings at 76 Hunter Road

5. The submission is:

The submitter in part **supports** the PDP to the following extent:

- 5.1 The inclusion of 76 Hunter Road within the Wakatipu Basin Lifestyle Precinct (Precinct).
- 5.2 The 6,000m² minimum and 1 hectare average lot area for the Precinct specified in Rule 27.5.1.
- 5.3 The restricted discretionary activity status for Rule 27.7.6.1 pertaining to subdivision within the Wakatipu Basin Lifestyle Precinct.
- 5.4 The discretionary activity status for Rule 24.4.9 relating to the construction of buildings and the associated activities which are not specifically provided for in other rules in Table 24.1 or Table 24.2.

The submitter in part **opposes** the PDP to the following extent:

- 5.5 The fact that the Wakatipu Basin Lifestyle Precinct does not encompass the submitter's entire property.
- 5.6 The restricted discretionary activity status for Rule 24.4.5 relating to the construction of buildings within existing approved/registered building platforms.
- 5.7 No rule being included within Chapter 24 which allows for the identification of a residential building platform as a land use activity.
- 5.8 The 75m setback from roads prescribed within Rule 24.5.4 for the Precinct.
- 5.9 Rule 24.4.29 which requires resource consent for any clearance, works within the root protection zone or significant trimming of exotic vegetation that is of a height greater than 4m.
- 5.10 Rule 24.5.5 that requires buildings to be located a minimum of 50m from an identified landscape feature.
- 5.11 Rule 27.4.2(g) which states that any further subdivision of an allotment which has previously been used to calculate the minimum and average lot size for subdivision in the Wakatipu Basin Lifestyle Precinct is a non-complying activity.

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

- 5.12 In relation to 5.1 - 5.3 above, the submitter considers that the Hunter Road area, including the submitter's site, is capable of further subdivision and development without derogating from the landscape character and visual amenity qualities of the wider area. The proposed restricted discretionary activity status is considered to reflect this.
- 5.13 However, the submitter is concerned that the entire site is not fully contained within the Wakatipu Basin Lifestyle Precinct as witnessed by the Site Plan contained in **Appendix [A]**. There appears to be no logical reason, landscape or topographical, as to why the entire site is not contained within the Wakatipu Basin Lifestyle Precinct. This is particularly the case for the large area located next to the northern boundary of the site, in close proximity to Hunter Road and the adjacent private accessway.
- 5.14 The discretionary activity status for Rule 24.4.9 is suitable for the construction of buildings outside of an approved/registered building platform (RBP) in particular. This activity status still allows for the assessment of effects on the environment and people as well as assessment against the objectives and policies of the chapter. The activity status also allows for public or limited notification of an application if necessary.
- 5.15 The restricted discretionary activity status relating to Rule 24.4.5 for the construction of buildings within existing approved RBPs is considered to be onerous given the significant assessment and process that is undertaken to obtain consent for a RBP. The matters of discretion listed in Rule 24.4.5 all pertain to matters which are usually controlled via conditions of consent, consent notice or covenant imposed at the time resource consent is granted for a RBP, or are otherwise already controlled within the District Plan (i.e accessways, external lighting, landform modification). This will therefore result in a duplication of assessment and lead to additional time and cost implications for landowners. Furthermore, this activity status is at odds with that promoted through Chapter 21: Rural in Stage 1 where the construction of a building within an approved RBP is proposed to be a permitted activity¹ subject to compliance with a number of standards (as well as any requirements listed within a consent notice or covenant) to avoid or reduce the cost and time associated with the resource consent process.
- 5.16 Notwithstanding the above, should the restricted discretionary activity status relating to Rule 24.4.5 be considered the most acceptable in terms of managing effects, an additional non-notification rule is sought to be included within Rule 24.6 pertaining to Rule 24.4.5. This is on the basis that the majority of applications for subdivision or the identification of residential building platforms within the Wakatipu Basin are publicly notified, therefore the construction of a

¹ Notified Rule 21.4.7

dwelling within an approved building platform (which would have been anticipated as part of the subdivision or building platform consent) should not be notified.

- 5.17 In relation to 5.7 above, a shortcoming of the current Operative District Plan Rural Lifestyle chapter is that there is no rule providing for the identification of a RBP as a land use activity. The only way to identify a RBP within the ODP Rural Lifestyle zone is therefore via subdivision application, however subdivision is not always necessary. This creates uncertainty for landowners wanting to build a residential unit on an existing site which is of a size which is not appropriate for subdivision or which the landowners do not want to subdivide. There is also no rule included within the notified Chapter 24 to this effect and it is necessary as other rules within the chapter pertain to construction within a RBP.
- 5.18 The 75m minimum setback from roads requirement in Rule 24.5.4 for the Precinct is considered to be onerous given the 6,000m² minimum lot size prescribed. Furthermore, the Zone Purpose in 24.1 states that the Precinct is an area within the wider Wakatipu Basin Rural Amenity Zone which is capable of supporting higher levels of development. Therefore, the proposed 75m setback is considered to be at odds with this statement given the minimum prescribed road setback within the wider Wakatipu Basin Rural Amenity Zone is only 20m.
- 5.19 Requiring a restricted discretionary resource consent for the clearance or trimming of exotic vegetation greater than 4m in height under Rule 24.4.29 may discourage landowners from removing wilding species or other pest species from their properties. This is contrary to the work that QLDC are doing in relation to wilding conifer removal and control across the District.
- 5.20 The incorporation of all exotic vegetation greater than 4m in height into the rule is supported in the QLDC s32 report for its contribution to the “*attractive leafy character of the WBLP in places*” and “*plays a key role in assisting the integration of existing buildings*”. It is considered that if there is exotic vegetation that the QLDC considers to be of benefit to the character of the Precinct or which integrates existing buildings into the landscape (which are not already protected by resource consent conditions), then these should be specifically identified, be the subject of consultation and included within Chapter 32: Protected Trees. To include this rule within Chapter 24 is confusing and not consistent with the format of the PDP.
- 5.21 Rule 24.5.5 requires a 50m setback for either buildings or accessways from a landscape feature identified on the planning map. In this regard, the northern edge of the Wakatipu Basin Lifestyle Precinct on the site is identified as a ‘landscape feature’. As outlined above, there appears to be no strong rationale for the location of the northern edge of the Wakatipu Basin Lifestyle Precinct in the north-eastern portion of the site. Furthermore, with the location of the Precinct and a 50m setback from the landscape feature (combined with the

75m road setback), a large land area would become a de facto no-build area. This approach is considered to be an inefficient use of the reasonably low level land on the site which has the capacity to absorb rural residential development as promoted by the Wakatipu Basin Lifestyle Precinct.

5.22 Insertion of Rule 27.4.2(g) into Chapter 27 precludes the ability to subdivide a site in stages over time as a landowners needs or circumstances change. Provided that the minimum and average lot sizes comply, taking into account the previous subdivisions that have been undertaken of the site, the effect of subdividing in multiple stages would make no difference to that of a single subdivision of a site which proposes multiple lots.

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

(a) Confirm the Wakatipu Basin Lifestyle Precinct zoning over all the submitter's land.

And

(b) Confirm the 6000m² minimum lot size and 1 hectare average lot size for the Wakatipu Basin Lifestyle Precinct in Rule 27.5.1.

And

(c) Confirm the restricted discretionary activity status for Rule 27.7.6.1.

And

(d) Confirm the discretionary activity status for Rule 24.4.9.

And

(e) Change the activity status for Rule 24.4.5 for the construction of residential units within approved RBPs from Restricted Discretionary to Permitted. Alternatively, include Rule 24.4.5 within those applications which shall be non-notified in Rule 24.6.

And

(f) Include a new rule within Chapter 24 relating to the identification of an RBP as a land use activity.

And

(g) Amend the setback from roads for the Precinct from 75m to 20m.

And

(h) Delete Rule 24.4.29.

And

- (i) Amend Rule 27.4.2(g) to state that the further subdivision of an allotment that has previously been used to calculate the minimum and average lot size is to take into account the minimum and average lot sizes of that previous subdivision.

And

- (j) Delete Rule 24.5.5.

7. General

7.1 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

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

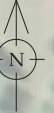
9. If others make a similar submission the submitter will consider presenting a joint case with them at a hearing.

Signature:



(Scott Freeman on behalf of D Hamilton & L Hayden)

Date: 23rd February 2018



APPROX. SITE AREA NOT SUBJECT TO THE WBLP* = 5.0760Ha

APPROX. SITE AREA SUBJECT TO THE WBLP* = 16.35Ha



DATA QUALITY STATEMENTS

PROPERTY DATA
The property data has been sourced from Land Information New Zealand (LINZ) and is current as at December 2015. 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 50mm.

CONTOUR DATA
Contours have been sourced from QLCD Litar records and are of unknown accuracy. Contour Interval is 5m.

SERVICES DATA
The locations of underground services have been compiled from records supplied by the local Council and Utility Authorities. Where those services have features visible on the surface, their positions have been verified by field survey. The accuracy of unverified services is unknown. Also there may be services for which no records were provided and which are not shown on this plan. In all cases, if the location of a service is considered important, the relevant services provider should be consulted.

SURVEY DATUMS
Horizontal coordinates are in terms of NZ Geodetic Datum 2000. Vertical elevations are in terms of Dunedin Vertical Datum (MSL).

SITE PLAN
Project:
LOT 2 DP 27832
76 HUNTER ROAD
WAKATIPU BASIN

ISSUE DATE: 8 Feb 2018	ISSUE: A - Original Issue	PREPARED BY: Scale 1:150 @ 1:200	Dated @: 24/22
DRAWING & ISSUE No: 4703.1R			



NOTE:
WBLP = WAKATIPU BASIN LIFESTYLE PRECINCT