

BEFORE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER OF The Queenstown Lakes Proposed
District Plan – Hearing Stream 2 –
Rural Chapter

**WRITTEN STATEMENT OF SCOTT SNEDDON EDGAR ON BEHALF OF
JUST ONE LIFE LIMITED AND LONGVIEW ENVIRONMENTAL TRUST**

Introduction

- 1 My name is Scott Sneddon Edgar and I am presenting the following written statement on behalf of Just One Life Limited and the Longview Environmental Trust. Mr John May, who spoke on behalf of Just One Life and the Trust at the hearings on the Strategic Direction, Urban Development and Landscapes Chapters had hoped to attend but is unavailable and sends his apologies.
- 2 As outlined by Mr May, during the Stream 1B hearings, Just One Life Limited owns land on Roys Peninsula and has been involved in Council hearings and Environment Court proceedings relating to development in the West Wanaka area over a number of years while Longview Environmental Trust has been set up by Mr. May to act as a “watch dog” on environmental, landscape and development matters. The Trust is dedicated to native revegetation, restoration, weed and pest control and education. The Trust is based at Emerald Bluffs on West Wanaka Road and has a particular interest in landscape and environmental matters in the West Wanaka area.

Original Submission of Longview Environmental Trust (#659)

- 3 The Trust's original submission related to Objective 21.2.1 and Policies 21.2.1.1, 21.2.1.3 and 21.2.1.4 which read as follows (emphasis added):
- 21.2.1 *Enable farming, permitted and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.***
- 21.2.1.1 *Enable farming activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins.*
- 21.2.1.3 *Require building to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.*
- 21.2.1.4 *Minimise the dust, visual, noise and odour effects of activities by requiring facilities to locate a greater distance from formed roads, neighbouring properties, waterbodies and zones that are likely to contain residential and commercial activity.*

- 4 In his Section 32 Report, when discussing Rural Amenity under *Issue 2 : The Management of Farming Activities*, Mr. Barr states¹ (emphasis added):
- “Intensive farming activities have the potential to generate significant and sustained traffic generation, odour, noise, lighting and visual effects. The effects of more intensive farming, particularly a change in the intensity of pastoral farming practices has the potential for amenity effects on neighbouring residential neighbours and a reduction in rural amenity values where these effects are apparent from public areas.”*
- 5 This issue is reflected in Objective 21.2.1 and its associated policies, particularly Policies 21.2.1.1 and 21.2.1.4.
- 6 The Trust supports Objective 21.2.1 and its associated policies and asks that they are made operative as notified. The Trust notes that, in his s42A report, Mr Barr has recommended that the Trust’s submission is accepted in this regard.
- 7 The Trust’s submission also relates to Rules 21.5.5 and 21.5.6 which apply additional setbacks to effluent holding tanks, treatment and storage ponds (21.5.5) and milking sheds or buildings used to house or feed milking stock (21.5.6), requiring that they are setback a minimum of 300m from formed roads and adjoining properties.
- 8 Rules 21.5.5 and 21.5.6 seek to provide greater setbacks for intensive and/or potentially objectionable farming activities from sensitive public locations (i.e. formed roads) and adjoining properties. While the Trust supports Rules 21.5.5 and 21.5.6 in principle it considers that their current wording introduces uncertainty as to where the setbacks should be applied. The Trust is concerned that this uncertainty will potentially lead to intensive farming activities being located closer to lakes and rivers than is intended.
- 9 For example the reference to ‘formed roads’ implies that the setback is not intended to apply to unformed roads and this in turn throws into question what is intended to fall within the definition of adjoining properties. Unformed roads are properties, generally owned by Council. By making the distinction between formed and unformed roads and effectively excluding unformed roads from the rules it would appear that ‘adjoining properties’ is intended to mean adjoining private residential or rural properties rather than adjoining parcels of Council or Crown owned land (e.g. unformed legal roads, marginal strips, lakes or rivers).
- 10 Taking West Wanaka as an example the margins of Lake Wanaka at Paddock Bay and around Roys Peninsula are held within unformed legal road parcels (please see Appendix A). Under Rules 21.5.5 and 21.5.6 as they are currently

¹ Page 16, Third Paragraph

worded it would appear that the 300m setback does not apply to these unformed legal roads.

- 11 Lot 4 DP 30211 (shown on Appendix A) is classified as Outstanding Natural Landscape, measures 126.67ha in area, forms part of Peninsula Farm and currently comprises existing farm paddocks. The area hatched red on Appendix A indicates roughly the area of Lot 4 within 300m of a formed road or 'adjoining property'. If Rules 21.5.5 and 21.5.6 were made operative as they are currently worded buildings, effluent holding tanks, treatment and storage ponds associated with intensive dairy farming activities would be directed towards the margins of Lake Wanaka and Rule 21.4.3 and Table 4 would provide for the construction of up to four 100m² farm buildings and/or effluent storage tanks or ponds 15m from the unformed legal road and the margins of Lake Wanaka.
- 12 The Trust does not believe that this is the intended outcome of Rules 21.5.5 and 21.5.6 as the rules are a response to the issues set out in Mr. Barr's Section 32 report including the potential adverse effects of intensive farming activities on adjoining properties and public areas.
- 13 The District's lakes and rivers and their margins are important and sensitive public areas and for clarity the Trust considers that, in order to be consistent with Policies 21.2.1.1 and 21.2.1.4 and to ensure that Objective 21.2.1 is achieved, Rules 21.5.5 and 21.5.6 should be reworded as follows:

Rule 21.5.5 Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)

All effluent holding tanks, effluent treatment and effluent storage ponds, shall be located at least 300 metres from any formed road, lake, river or adjoining property.

Rule 21.5.6 Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)

All milking sheds or buildings used to house or feed milking stock shall be located at least 300 metres from any formed road, lake, river or adjoining property.

Further Submission of Longview Environmental Trust (#1282) and Just One Life Limited (#1320)

- 14 Following the notification of submissions the Trust and Just One Life made further submissions in opposition to a number of submissions which sought the amendment or deletion of Objectives and Policies (contained in the Landscapes Chapter) and Assessment Matters (contained in the Rural Chapter) relating to Outstanding Natural Features and Outstanding Natural Landscapes.
- 15 The submissions to which the Trust's further submission relates are listed in Appendix B and, of those submissions, the submissions which sought the amendment or deletion of the Assessment Matters are those of Matukituki Trust

(#355), Peninsula Village Ltd and Wanaka Bay Ltd (#378), New Zealand Tungsten Mining Ltd (#519) and Real Journeys Ltd (#621).

16 The further submission of Just One Life was specific to, and opposed, the submission of Matukituki Trust (#355).

17 In his written statement presented during the Stream 1B hearings Mr May outlined the position of Just One Life and Longview Environmental Trust in relation to the landscapes of the District stating²:

"I consider that the landscapes of the Queenstown Lakes District are its greatest and most sensitive resource. The District's landscapes are admired nationally and internationally. I consider that the District's landscapes, and particularly its Outstanding Natural Features and Landscapes, merit stringent protection and that a high bar should be set for development."

18 Consistent with their submission on the objectives and policies contained in the Landscapes Chapter, and in particular Policy 6.3.1.3, Matukituki Trust and Peninsula Village Ltd & Wanaka Bay Ltd seek the amendment of Assessment Matter 21.7.1 to delete the statement that:

"in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the zone:"

19 In addition the Matukituki Trust submission opposes Assessment Matter 21.7.1.1 and asks that it is deleted entirely. Assessment Matter 21.7.1.1 reads as follows:

21.7.1.1 The assessment matters are to be stringently applied to the effect that successful applications will be exceptional cases.

20 The Trust and Just One Life maintain their position, as previously set out in Mr May's written statement, that the wording contained in Policy 6.3.1.3 and replicated in Assessment Matters 21.7.1 and 21.7.1.1 provides appropriate guidance as to the level of scrutiny that should be afforded to applications for subdivision and development in or on ONL or ONFs and that the statements that such activities will be inappropriate in almost all locations and that successful applications will be exceptional cases does not prejudge applications but rather reflects the sensitivity and importance of the District's landscapes. Consequently the Trust and Just One Life oppose the submissions of Matukituki Trust and Peninsula Village Ltd & Wanaka Bay Ltd in this regard and seek that the landscape assessment matters are retained as notified.

21 With regard to the further submission of Just One Life, which stated that Just One Life opposed the Matukituki Trust submission in its entirety, it is noted that the Matukituki Trust submission supports Rule 21.4.5 which identifies the use of land

² Paragraph 4 of the Written Statement of Johannes May

or buildings for residential activities as a Discretionary Activity and Rule 21.4.6 which provides for the construction of one residential unit within an approved building platform as a Permitted Activity.

22 In opposing the Matukituki Trust's submission in its entirety it has been taken that Just One Life oppose Rules 21.4.5 and 21.4.6³. Despite what the further submission states it was not the intention of Just One Life to oppose Rules 21.4.5 and 21.4.6 and Just One Life ask that Rules 21.4.5 and 21.4.6 are retained as notified.

23 Similarly it could be taken that, in opposing the Matukituki Trust submission in its entirety, Just One Life was opposed to Assessment Matter 21.7.3.3 which directs Council to consider positive effects that might arise from proposed developments including open space covenants and environmental compensation. Again it was not the intention of Just One Life to oppose Assessment Matter 21.7.3.3 and it is asked that it is retained as notified.

Conclusion

24 In conclusion Longview Environmental Trust ask that Rules 21.5.5 and 21.5.6 are reworded such that the setbacks for intensive dairy farming activities are applied to the margins of lakes and rivers as well as formed roads and adjoining properties.

25 In addition the Trust and Just One Life Ltd ask that the Assessment Matters contained within the Rural Chapter are retained as notified.

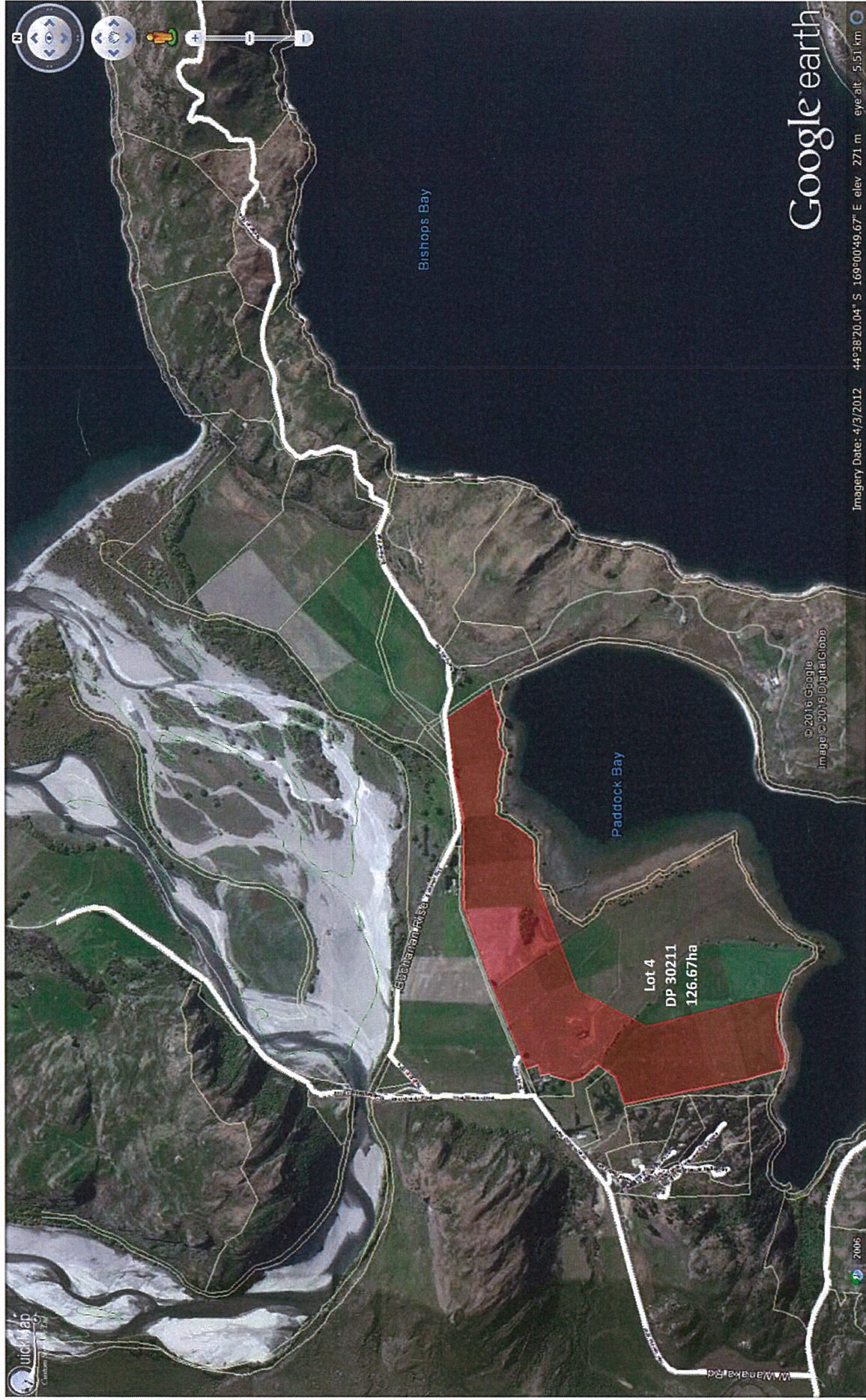
DATED 5th May 2016

Scott Edgar

On behalf of Just One Life Limited and Longview Environmental Trust

³ As noted on pages 87 and 88 of Appendix 2 to Mr Barr's Section 42A Report

Appendix A – West Wanaka Aerial Image and Property Boundaries



Appendix B**Longview Environmental Trust Further Submission – Submissions Opposed**

Submission No.	Submitter
355	Matukituki Trust
375	J Carey-Smith
378	Peninsula Village Ltd and Wanaka Bay Ltd
502	Allenby Farms Ltd
519	New Zealand Tungsten Mining Ltd
581	Lesley and Jerry Burdon
598	Straterra
600	Federated Farmers of New Zealand
607	Te Anau Developments Ltd
615	Cardrona Alpine Resort Ltd
621	Real Journeys Ltd
716	Ngai Tahu Tourism Ltd
805	Transpower New Zealand Ltd