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OF NEW ZEALAND

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Submitter 600 / Further Submitter 1132

Proposed Queenstown Lakes District Plan

Chapter 27: Subdivision and Development

Hearing Statement on behalf of Federated Farmers of New Zealand.

I. INTRODUCTION

1. My name is David Cooper. I am a Senior Policy Advisor for Federated Farmers of New Zealand. I have represented the needs and interests of our farming members across the South Island for the past eight years in a policy role.
2. As a Senior Policy Advisor at Federated Farmers I provide advice on local government and RMA planning and policy issues to Federated Farmers provincial committees and members across the South Island in the context of farming related issues. This role involves regular and close interaction with a wide cross section of the farming community, often in the context of discussing how resource management policies and rules affect farming enterprises and the rural community, and assessing the impacts of proposed provisions on the economic viability of primary production and the broader socio-economic impacts on rural communities.

II. CONTEXT TO OUR SUBMISSIONS

3. Federated Farmers' views on subdivision are informed by a broad range of factors. In many respects these factors require some balance. At the macro level, we are keen to ensure that the positive contribution of the rural areas of the District and primary production more generally are appropriately recognised through the District Plan. We are also keen to ensure that the positive contribution of primary production activities to the District's valued landscapes and natural areas are also recognised.
4. This recognition goes beyond simply 'protecting' the rural areas from subdivision and development through the District Plan. The positive amenity values derived from the

rural areas of the District are underpinned to an extent by the economic viability of primary production in these rural areas. This economic viability is underpinned in turn by the ability for landowners to make reasonable land use decisions which enable sustainable economic use of the land.

5. These land use decisions can include the need to develop alternative but complementary business opportunities within the rural area, or subdivide and develop to allow for farm succession, or to provide housing for farm workers and family. Some farmers will also need to develop land that is marginally productive or where the primary production use for that land is significantly outweighed by an alternative land use. In these latter examples the ability to develop, subdivide or change land use in a manner that is compatible or does not conflict with rural amenity values can underpin the long term economic viability of the farming operation overall.
6. We also recognise the particular importance of the rural landscapes and associated rural amenity values to those who live within and visit the Queenstown Lakes District, and the role these rural amenity values play in attracting people to the District. In acknowledgement of the specific importance of these particular attributes to the District we recognise that the provisions relating to subdivision and development in the Lakes District will in many respects be broader and encompass values not faced to the same extent by farmers in other districts.
7. We agree with the overall approach proposed for the Subdivision and Development chapter, and how this interacts with the Rural Zone provisions. We agree with the development of specific rules for each zone, with specific provisions used within each zone to define what is or is not appropriate development for that zone. As we have submitted in respect to each zone, as a rule we broadly agree with the overall purpose and the majority of objectives proposed for each zone.
8. While individual farmers will have submitted in respect to the proposed provisions as they relate to their specific properties, we have focussed our submissions on evaluating whether the provisions proposed for each zone are reasonable and recognise the need for a balance between enabling appropriate and compatible land

use and development on one hand, while recognising that there is finite capacity for some activities in the rural areas if the valued qualities of the rural areas are to be sustainably used, maintained and enjoyed.

9. While we are primarily concerned with the provisions relating to Subdivision and Development in the Rural General zone, we are also concerned with the ability to subdivide and develop land in the Rural Lifestyle and Rural Residential zones. In particular, we are keen to ensure that the provisions relating to development in these zones are reasonable for farmers who have land included in these zones. We are also keen to ensure that development in proximity to the Rural General zone considers the potential for negative externalities impacting on the Rural General zone.
10. We congratulate Council for the quality of the Officer's report. We broadly agree with the issues identified with the operative District Plan in respect to subdivision, as outlined on pages 16 and 17 of the Officer's report. We particularly consider there is a need for greater certainty, efficiency and effective management of subdivision, and that the accessibility and efficiency of subdivision provisions can be improved. As a consequence we understand the rationale behind the proposal to move from the current situation, where subdivision and development is a controlled activity.

III. RURAL GENERAL ZONE

11. As currently proposed, subdivision and development in the Rural General Zone is a discretionary activity, with no minimum lot sizes. These two matters are discussed at pages 52 and 53 of the Officer's report. We recognise that a Discretionary activity status would be viewed less than favourably by those who own land in the Rural General area and have a desire to develop that land for uses beyond primary production. However, Federated Farmers supports the proposed Zone Purpose for the Rural General area; that the primary purpose of the rural zone is to enable farming activities while protecting, maintaining and enhancing the natural features of the rural area. Our view is that, overall, the proposed District Plan better provides for

rural land use activities and primary production in the Rural General zone, by moving to a more permitted approach to activities that are considered compatible to that zone.

12. A consequence of specifying that primary production is the intended purpose for the Rural General zone is that there will be some activities that do not fit with, or that are incompatible with, this intended purpose. As a result there is a need to provide for a consenting approach that carefully considers activities that are not considered sufficiently compatible to be deemed permitted activities.
13. Subsequently we accept the justification for the Discretionary activity status for subdivision and development as relevant for the Rural General zone. As we have outlined in the introduction to this hearing statement, we recognise the specific and relatively unique value of the rural landscape to the District's wellbeing. We broadly agree that landscapes and subsequently the degree of potential adverse impact from development is site specific, and that a Discretionary activity status is the most appropriate mechanism for allowing for this site specific assessment.
14. We are also particularly keen to ensure that the potential for Reverse Sensitivity impacts on existing land use is considered in respect to development in the Rural General zone.
15. The Officer's report outlines the reasoning behind the lack of a specific minimum lot size for the Rural General area, stating that providing a minimum lot size may infer a 'development right' for that area. We agree that defining a minimum lot size runs the risk of inferring development of allotments over that size would be considered appropriate. This is not useful for either the implementation of the plan or indeed the developer. Subsequently we support the Officer's report recommendations that proposals for subdivision and development will prove that the proposal would be appropriate in terms of effects on the landscape, in the Rural General zone. As with the proposed Discretionary activity status for the Rural General zone, this is a position we have arrived at after considering the relative importance of the rural

landscape to the wellbeing of the District, as well as the more enabling proposals for rural and primary production land use in the Rural General zone, outlined in the Rural Chapter to the proposed plan.

IV. RURAL LIFESTYLE AND RURAL RESIDENTIAL

16. The Officer's report discusses the activity status afforded to subdivision in the rural living and urban zones. The Officer's report recommends the deletion of the default Discretionary Activity status for subdivision in favour of a Restricted Discretionary Activity status geared towards subdivision within rural living and urban zones.
17. Federated Farmers recognises that a number of submitters have sought a Controlled activity status for subdivision in these zones. Comparatively the Officer's report recommends a Restricted Discretionary activity status. We broadly agree with the Officer's report recommendation that the Rural Residential zone has been identified as being suitable for rural living purposes, and as a consequence does not require the full spectrum of consideration provided by a Discretionary Activity rule as initially proposed. Therefore we prefer the Restricted Discretionary activity status recommended in the Officer's report to the Discretionary activity status originally proposed in the PDP.
18. We recognise a number of submitters have sought a reduction in the proposed minimum allotment size from two hectare as proposed, to either a one hectare average, or a one hectare minimum lot size, and we agree that this would provide for greater density in these areas. However, we recognise that reducing the minimum lot size may impact on rural amenity, as outlined in the Officer's report. Further, we consider that smaller lot sizes may create potential for more reverse sensitivity issues where the Rural Lifestyle zone abuts a Rural General zone. As a result we agree with the Officer's report recommendation that the minimum lot size remains at 2 hectare.
19. Our concerns in respect to reverse sensitivity extend to the matters for Discretion proposed for new Rule 27.5.6, recommended within the Officer's report. There appears no consideration of the potential for reverse sensitivity issues to arise within

the proposed matters for discretion. We ask that consider the matters for discretion be expanded to include the potential for reverse sensitivity in relation to existing land use.

20. The potential for reverse sensitivity is particularly a concern in the Rural Lifestyle zone, where this may abut the Rural General area. It has been Federated Farmers' experience that some of those seeking Rural Lifestyle living have an idyllic view of the rural lifestyle, and may not appreciate that the primary production activities which underpin the economic viability and amenity of the Rural General area comes with noises, sounds and smells. These are expected in the rural areas but may be unfamiliar to those used to a more urban lifestyle. It would not be fair or efficient if these idyllic expectations for rural living were to result in controls in primary production activities. This has the potential to impose significant costs and restrictions for farmers in the Rural areas. Therefore we seek that Reverse Sensitivity is added to the matters for discretion proposed for new Rule 27.5.6.

V. UTILITIES

21. We have made a number of further submissions in response to utility owners. In doing so our focus has been to ensure that the provisions related to utilities located on private land appropriately recognised the need for a balance between the efficient and effective operation of those utilities and the need for reasonable use of the land on which they are situated. In particular, we have sought to ensure that there is not too much protection afforded to utilities at the cost of the private landowners housing utility infrastructure, particularly where the upgrading of those utilities results in increased marginal impact on the landowner.
22. In relation to the electricity transmission network particularly, the large geographical area spanned by this network has meant that a significant proportion of the network is located on private land. In many instances, particularly in relation to the National Grid electricity network, the landowners who are giving up what are often significant areas of land to house the network are doing so for little or no financial benefit or compensation. Subsequently we are keen to ensure that any protection afforded to

the electricity transmission network, and other utility infrastructure, reflects that there is a cost to landowners as a result of that protection.

23. As outlined in the Officer's report, there is a requirement for the District Plan to give effect to the National Policy Statement on Electricity Transmission (NPSET). However the requirements set out under the NPSET apply only to the National Grid, or assets owned by Transpower, not distribution lines (or local lines), even those deemed to meet the criteria of regionally significant utility infrastructure.

24. As outlined in the Officer's report under *Issue 15: New Provisions Sought Through Submissions* (pages 102 to 107) there have been submissions seeking additional protection in relation to subdivision around network utility infrastructure. The Officer's report recommends that these are dealt with proposed new Policy 27.2.2.10:

"Policy 27.2.2.10 - Manage subdivision within or near to electricity transmission corridors to facilitate good amenity and urban design outcomes, while minimising potential reverse sensitivity effects on the transmission network."

25. Federated Farmers agrees with the Officer's report in relation to this proposed new policy. We agree that it is important to specify that the proposed and provide specific treatment for the National Grid, and we support the amendments proposed in Appendix 1 to the Officer's report in relation to subdivision in proximity to the National Grid.

26. Further, we agree with the Officer's report that there is no need to specifically define or provide protection to other electricity transmission infrastructure, beyond the National Grid. For example, we oppose the introduction of an additional specific definition sought by one electricity network owner, that of 'Critical Electricity Line'. We agree with the Officer's report that this is potentially confusing and we consider it unnecessary to add a further definition given the breadth of proposed Policy 27.2.2.10 will capture risks to and from the electricity transmission network upon subdivision.

27. The relief sought by Aurora Energy appears to seek the same level of protection for a proportion of the the local lines network as for the electricity transmission corridor, which is subject to the provisions of the National Policy Statement for Electricity Transmission (NPSET) as part of the National Grid. The NPSET makes it clear that its purpose is to protect the National Grid Transmission Line Network, recognising the national significance of this asset. The NPSET specifically defines the National grid as “the assets used or owned by Transpower NZ Limited”, and specifically defines the Electricity transmission network, as assets comprising part of the national grid.
28. Policies 10 and 11 of the NPSET, designed to manage the adverse effects of third parties on the transmission network, both specifically relate to the National Grid, exclusively. The NPSET excludes local lines infrastructure from these considerations, and Federated Farmers considers it is not appropriate to apply the requirements of the NPSET to an electricity network that is not part of the National Grid.
29. In particular we are opposed to the District Plan making provision for the upgrade of a local electricity transmission network. As noted in the supplementary evidence provided by Joanne Dowd on behalf of Aurora Energy Limited, a significant majority of Aurora’s infrastructure is situated on private land, and the siting of this infrastructure has not been subject to an easement agreement. This is effectively private land provided rent free for the operation of a private network transmission company. Federated Farmers opposes the additional protection of local lines infrastructure as sought by Aurora Energy Limited, and we particularly oppose the use of the District Plan to provide for upgrades of that infrastructure.
30. Where Aurora is required to upgrade infrastructure, there should be a requirement to address the potential injurious effect of that upgrade directly with the landowner, rather than making use of the District Plan to undermine landowner’s concerns in this regard.

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