

Submission on Variation to Proposed District Plan

Form 5 - Clause 6 of Schedule 1, Resource Management Act 1991

To: **Queenstown Lakes District Council** (“Council”)

Name of Submitter: **Cardrona Cattle Company Ltd** (“Submitter”)

Introduction

1. This is a submission on proposed variation to Chapter 21 Rural Zone of the Queenstown Lakes Proposed District Plan (“**PDP**”) to introduce landscape schedules 21.22 and 21.23 (“**Variation**”).

2. The Council has explained the purpose of the Variation as follows:

Queenstown Lakes District Council is proposing a variation to Chapter 21 Rural Zone of the Proposed District Plan (PDP), to introduce landscape schedules that set out the landscape values for 29 Priority Area landscapes within the Queenstown Lakes District. These schedules aim to identify which aspects of these landscapes are to be protected, maintained, or enhanced.

...

Landscape schedules will be used to assess applications for resource consent for development on properties within the identified areas. The schedules will detail a landscape’s values and make it easier to understand how a proposal for development might affect those values. There are no changes to the rules for development as part of this proposal. The schedules are intended to make assessments more efficient.

3. The submitter has an interest in the property legally described as Lot 8 DP 402448 and Section 32 Block II Kawarau Survey District (“**property**”). The majority of the property is located within the Gibbston Character Zone and some in the Rural Zone under the PDP.

Specific provisions of the variation that the submission relates to

4. The submitter has an interest in the entire Variation, at least in respect of the methodology behind its development, and the identification of the values in respect of the particular landscape and features in question.

5. The submitter has a particular interest in the schedule for Victoria Flats Outstanding Natural Landscape (“**ONL**”) (21.22.17).

6. The Submitter opposes:

- (a) all aspects of the Variation;
- (b) in particular, all aspects of Proposed Schedule 21.22 Outstanding Natural Features and Outstanding Natural Landscapes; and

- (c) Landscape Schedule 21.22.17 Victoria Flats which directly affects the property; and
- (d) the planning-by-stealth approach taken by the Council to impose the same restrictions on most of the property as are proposed to apply to the surrounding ONL when the PDP specifically directs that the Gibbston Character Zone is not an ONL, with this principle underpinned in the statement on Page 1 of Schedule 21.22:

“The landscape attributes and values identified, relate to the priority area as a whole and should not be taken as prescribing the attributes and values of specific sites.”

No trade competition

- 7. The submitter could not gain an advantage in trade competition through this submission.

Reasons for the Submission

Lack of informed consultation

- 8. QLDC and its experts claim to have been informed by the public consultation QLDC undertook in the development of the Variation. However:
 - (a) CCCL provided comprehensive feedback as part of the consultation opportunity which was not responded to and is not recorded as having been received or taken into account or responded to in the Council's 'Preliminary Consultation Summary Tables with Landscape Comments' forming Appendix B of the section 32 evaluations' methodology statement.
 - (b) The Council made invitations for feedback without any draft schedules to indicate what form the schedules may take and what detail might be provided.

Inadequate Section 32 Evaluation / flawed schedule methodology

- 9. The landscape attributes, landscape values, and related capacity detailed within Schedule 21.22.17 (Victoria Flats) describe the collective identified landscape attributes and landscape values of an area which is approximately 800ha in size. The introductory text of the schedule conflates the spatial extent of the priority area as a landscape unit.
- 10. The PA is not a landscape, rather the identification of the PA was to define the spatial limit within which various PDP policies directed the values identification framework in PDP Chapter 3 to be applied to, and within which landscape attributes, values, and related landscape capacity (i.e. PDP Policy 3.3.37) were to be identified. However, the PAs have been treated as a 'landscape' and the scale to which the schedule has been applied has resulted in an inaccurate application of the landscape capacity rating. In order to be of any value, the schedule must first appropriately identify the various landscapes within any PA, before then identifying the attributes, values, and related capacity of each of the particular landscapes that are nested within the PA.

11. Schedule 21.22.17 (Victoria Flats) also does not accurately reflect that a large area of land within the schedules is zoned Gibbston Character Zone, and that the schedules do not (and cannot) apply to this land as that land is not ONL.
12. The Schedules are intended to apply to the Rural Zone only, as directed by PDP Strategic Policy 3.3.36 and subsequently, the Schedules are located within the PDP Chapter 21 Rural Zone.
13. Policy 3.3.36 is (underlined for emphasis):

Identify in Schedule 21.22 the following Rural Zone Priority Areas within the Outstanding Natural Features and Outstanding Natural Landscapes shown on maps held on [QLDC reference file]:

 - a. *parts of the Outstanding Natural Features of Peninsula Hill, Ferry Hill, Shotover River, Morven Hill, Lake Hayes, Slope Hill, Feehly Hill, Arrow River, Kawarau River, Mt Barker, and Mt Iron.*
 - b. *parts of the Outstanding Natural Landscapes of West Wakatipu Basin, Queenstown Bay and environs, Northern Remarkables, Central Wakatipu Basin Coronet Area, East Wakatipu Basin and Crown Terrace Area, Victoria Flats, Cardrona Valley, Mount Alpha, Roys Bay, West Wanaka, Dublin Bay, Hāwea South and North Grandview, and Lake McKay Station and environs.*
14. The schedule identifies two landscape units within the Victoria Flats PA, but does not map these areas nor describe them sufficiently enough to distinguish these.
15. The section 32 evaluation states that there are no other reasonably practicable options because of the approach set out in Chapter 3. However, the evaluation has overlooked, and erred in that evaluation, because it fails to identify identification and evaluate other reasonably practicable options to achieve the objectives of the proposal. Other reasonably practicable options include:
 - (a) Within the PA, and having regard to its size and the presence of the Gibbston Character Zone and that the Kawarau River ONF intersects the PA, the benefits, costs, efficiency, and effectiveness of the approach of mapping the various areas with similar landscape attributes into areas with shared and distinguishable landscape attributes into separate landscape units to better correlate the related landscape capacity rating.
 - (b) The use of mapped landscape units to provide more appropriate identification of the landscape attributes as it relates to the distinguishable parts of the PA.
 - (c) The use of mapping to identify landscape units, and a distinguishable landscape capacity rating for each identified landscape unit will better implement the direction in PDP Strategic Policy 3.3.37 which requires the landscape attributes, landscape values, and related landscape capacity is described at an appropriate landscape scale. Currently the PA is not further defined from the geographic extent which identified it as subject to the values identification framework.
 - (d) Retaining the industry standard seven point rating scale, rather than using language which predetermines the policy outcomes in

PDP Chapters 3 and 21, without evaluation of that alternative in the section 32 evaluation report.

16. As a result of the deficiencies in the section 32 evaluation, the landscape capacity ratings for the PA are not accurate and the proposal does not sufficiently implement PDP Strategic Policy 3.3.37.

Schedule for Victoria Flats ONL 21.22.17

17. The Victoria Flats Schedule is fundamentally flawed because it:
- (a) fails to exclude all the land within the PA that is zoned Gibbston Character Zone (or any subsequent zone as a result of outstanding appeals) and subsequently attempts to allocate ONL 'values' to land that is not ONL;
 - (b) fails to recognise the flats of the Victoria Flats ONL is a highly modified landscape that has been extensively modified by human interaction, includes large scale commercial, industrial and recreational activities and features, and therefore has a very low naturalness, highly influenced by human activities;
 - (c) fails to adequately account for the presence and location of the district landfill, particularly in terms of its impact on the aesthetic values and attributes of the PA through visual dominance, adverse odour, rubbish and seagull infestation, all contributing towards lower appreciation values of the landscape and setting;
 - (d) fails to recognise the flats more modified than the upper slopes of the ranges and have a high capacity to absorb development;
 - (e) overstates the degree of 'naturalness' of the flats at [35] where only views from SH6 are considered to assess the 'naturalness' of PA, which overlooks that a considerable area of the flats have nil to low visibility from SH6;
 - (f) overstates the 'remoteness' of the PA at [38] by overlooking the significance of SH6 dissecting the PA, a key transportation corridor, and overlooks the lack of visual influence of the submitter's property has to an evaluation of remoteness;
 - (g) overlooks the fact that commercial recreation activities are permitted activities in both the Rural and Gibbston Character Zones and the effects that existing and future activity will have in the PA; and
 - (h) overlooks the fact that farming (including intensive agriculture) and viticultural buildings (wineries) are controlled activities (500m² buildings up to 10m in height) in the Gibbston Character Zone and the effect that existing and future activity will have in the PA, particularly in view from SH6.

Relief sought

18. The submitter requests the following relief:

- (a) *Primary relief:* reject, refuse, or otherwise decline the Variation.
- (b) *In the alternative:* if the Variation is to be adopted, to amend, vary or otherwise modify the Variation and its schedules (including the Schedule for Victoria Flats 21.22.17) to address the concerns, issues, and other matters raised in this submission (including any necessary additional or consequential relief), in particular:
 - (i) remove the Victoria Flats PA from the submitter's property, including land zoned Gibbston Character Zone (or any future zone that may arise from appeals);
 - (ii) clarify that the extent of the PA is not a proxy for an ONL boundary;
 - (iii) update the values and attributes in the schedule to reflect that the flats can absorbed development.

Submitter wishes to heard

19. The submitter wishes to be heard.

DATED 26 August 2022



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Address for Service: Town Planning Group
PO Box 2559
Queenstown

Contact Person: Craig Barr
Cell: 027 406 5593
E-mail: craig@townplanning.co.nz