

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER Of the Resource Management Act 1991 ("the Act")

AND

IN THE MATTER Of Stage 2 of the Proposed Queenstown Lakes District Plan

**SUBMISSIONS ON BEHALF OF TEECE IRREVOCABLE TRUST NO 3 – SUBMITTER
2599**

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1 INTRODUCTION & SCOPE OF SUBMISSIONS

- 1.1 These submissions are filed on behalf of the Teece Irrevocable Trust No. 3 (the Trust). The Trust owns some 278 hectares of land in Glenorchy (the Site). The Site is zoned Rural in the Operative District Plan, a zoning that is scheduled to continue under the Proposed Plan.
- 1.2 By Minute dated 14 July 2018, the Hearings Panel provided an opportunity to respond to the Council's earlier memorandum of 6 July 2018 seeking that a number of submissions be struck out either in whole or in part. The Council has sought that part of the Trust's submission be struck out.
- 1.3 These submissions address the following matters:
 - (b) The Trust's submission on Stage 2
 - (c) The Council's Position;
 - (d) Guidance as to the Exercise of Discretion under s 41D;
 - (e) What the Law Says;
 - (f) Ambit of the Visitor Accommodation Variation;
 - (g) Is the Trust's Relief Sought "on" the Visitor Accommodation Variation?

2 THE TRUST'S SUBMISSION

- 2.1 The Trust's submission can fairly be summarised as containing two principal elements.
 - 2.2 The first part refers to enabling the potential for sensitively designed and located visitors "eco style" accommodation for visitors to enjoy the beauty of the Site and its surrounds.
 - 2.3 Secondly, the Trust opposes the more restrictive nature of the provisions for visitor than the equivalent provisions for the Rural General Zone in Stage 1 and, as a consequence, seeks that they be liberalised.
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2.4 The specific relief sought by the Trust is as follows:

The Trust seeks that:-

- *Extend the Rural Visitors Arcadia Zone to cover the Teece Irrevocable Trust No. 3 Site, as legally described above, and as shown on the amended planning map attached as Appendix C (referred to as Rural Visitor North Glenorchy Zone, which is an extension of the Rural Visitor Arcadia Zone) with amendments and additions to the Operative Plan Rural Visitors Arcadia Zone provisions as appropriate and subject to the agreement of the Trust or any successor in title. Such amendments could include an Outline Development Plan or similar which identified preferred locations for development; controlled activity status for visitor accommodation with matters of control relating to such matters as building design, landscaping and access; permitted status for residential visitor accommodation and homestays; and appropriate performance standards to facilitate development which is compatible with the surrounding landscape setting and natural environment;*
- *Rename the extend Rural Visitors Arcadia Zone 'Rural Visitors North Glenorchy' Zone;*
- *Retain the Operative QLDDP provisions with respect to residential visitor accommodation and homestays in the Rural General Zone, with amendments as above for the Trust site; and*
- *Such other additional or alternative relief to be consistent with the above and to give effect to the intent of this submission.*

2.5 The elements of the relief sought are interrelated as opposed to seeking either/or outcomes. That said, the final aspect of the relief sought is such other alternative relief as would be consistent with the intent of the submission. There is no expressed limit on the form such alternative relief can take.

2.6 A summary of all submissions on Stage 2 (the Trust's included) was prepared and duly notified. No further submissions either in support or opposition to the Trust's submission has been received.

3 THE COUNCIL'S POSITION

3.1 In its Memorandum of 06 July 2018, the Council first outlines the Trust's submission, as summarised:

That the submitter's land (described as 278 ha of land at upper Glenorchy legally described as Lots 1, 2 and 3 DP23952, Lots 4 and 6 DP24043, Part Sections 16, 17, 18, 19, 20, 21, 22 and 23 Block II Dart Survey District (SO404), and Sections 40 and 48 Block II Dart Survey District (SO404)) is zoned Rural Visitor North Glenorchy Zone, with associated amendments to the operative zone provisions [and

retain the operative district plan provisions with respect to Residential Visitor Accommodation and Homestays in the Rural General Zone, with amendments as above for the submitter's site; or other relief to give effect to the relief sought].

3.2 The Memorandum asserts that :

This site was notified in Stage 1 of the PDP and is now subject to decisions - it is zoned Rural in the PDP. The submitter seeks a Rural Visitor Zone (which is a standalone underlying zone), rather than a VA Sub Zone that sits over an underlying zone. There is no scope for the part of the submission seeking that the Rural Visitor zone in Stage 2. It is accepted that there is scope for the submission point (in grey text in the column to the left) seeking that the ODP Residential Visitor Accommodation and Homestays rules apply to the site (rather than the provisions that the Council has notified into Chapter 21 for Residential Visitor Accommodation and Homestays, that apply in the Rural Zone .

3.3 The Council therefore accepts:

- (a) If the Trust had sought a Visitor Accommodation Sub-Zone for the Site, this would have been on the Variation;
- (b) The Trust's submissions on the provisions relating to the Visitor Accommodation rules are on the Variation; and
- (c) The "or other relief" component of the relief sought is also on the Variation.

3.4 In respect of the latter, as noted above this extends to seeking other forms of relief beyond simply amending the district wide provisions notified in Chapter 21 for Residential Visitor Accommodation and Homestays and includes

4 GUIDANCE AS TO THE EXERCISE OF DISCRETION UNDER SECTION 41D

4.1 Guidance as to the exercise of discretion under s 41 (d) can be obtained from case law related to the equivalent power held by the Environment Court under s 279(4) of the RMA.

4.2 Key principles arising from case law include:

- (a) Under s 279(4) of the Act there is a high threshold to establish an application to strike out on the basis of an alleged abuse of process¹;
- (b) The jurisdiction to strike out submissions will only be exercised sparingly and a Court will do so where it is satisfied that it has the requisite material

¹ *Hurunui Water Project v Canterbury Regional Council* [2015] NZHC 3098, (2015) 19 ELRNZ 19 at [86]-[86]; *Simons Hill Station Limited & Simons Pass Limited v Canterbury Regional Council* [2014] NZHC] 1362 at [37] to 39]

before it to reach a "certain and definite" conclusion. The authority is to be used only where the claim is beyond repair and so unobtainable that it could not possibly succeed.²

- (c) The reluctance to exercise a discretion to strike out reflects the general principles of the Resource Management Act which encourages public participation and the method of that participation should not be bound by formality.³

5 WHAT THE LAW SAYS

5.1 The Panel will be familiar with the law regarding whether or not a submission is on a plan change, the matter having been discussed in, amongst others, *Clearwater Resort Ltd v Christchurch City Council*⁴, *Palmerston North City Council v Motor Machinists Limited*⁵ and *Re Palmerston North Industrial and Residential Developments Ltd* [2014] NZEnvC 17.

5.2 The tests from *Clearwater* and *Motor Machinists* were summarised in the *Palmerston North Industrial and Residential Developments* decision in the following extracts from these cases:

[35] In Clearwater, William Young J identified the preferred approach to determining whether or not a submission was on a plan as comprising two considerations:

1. A submission can only fairly be regarded as "on" a variation if it is addressed to the extent to which the variation changes the pre-existing status quo.

2. But if the effect of regarding a submission as "on" a variation would be to permit a planning instrument to be appreciably amended without real opportunity for participation by those potentially affected, this is a powerful consideration against any argument that the submission is truly "on" the variation.

[36] In Motor Machinists, Kós J adopted the approach contained in Clearwater and added (inter alia) the following observations:

[80] For a submission to be on a plan change, therefore, it must address the proposed plan change itself. That is, to the alteration of the status quo brought about by that change. The first limb in Clearwater serves as a filter, based on direct connection between the submission and the degree of notified change proposed to

² *Morris v Marlborough DC* (1993) 2 NZRMA 396

³ *Simons Hill Station Limited & Simons Pass Limited v Canterbury Regional Council* [2014] NZHC] 1362 at [39]

⁴ AP 34/02, 14 March 2003, William Young at [59] to [69]

⁵ [2014] NZRMA 519 at [74] to [83]

the extant plan. It is the dominant consideration. It involves itself 2 aspects: the breadth of alteration to the status quo entailed in the proposed plan change, and whether the submission then addresses that alteration.

[81] In other words, the submission must reasonably be said to fall within the ambit of the plan change. One way of analysing that is to ask whether the submission raises matters that should have been addressed in the s 32 evaluation and report. If so, the submission is unlikely to fall within the ambit of the plan change. Another is to ask whether the management regime in a district plan for a particular resource (such as a particular lot) is altered by the plan change. If it is not then a submission seeking a new management regime for that resource is unlikely to be "on" the plan change ... Yet the Clearwater approach does not exclude altogether zoning extension by submission. Incidental or consequential extensions of zoning changes proposed in a plan change are permissible, provided that no further s 32 analysis is required to inform affected persons of the comparative merits of that change....

5.3 The Court distilled these into the following tests to determine scope:

- (a) What is the breadth of the alteration to the status quo entailed in the plan change?
- (b) Does the submission address that alteration?
- (c) Does the submission raise matters that should have been addressed in the s 32 evaluation? If it does raise such matters, then it is not on the plan change.
- (d) Is the management regime for the relevant resource altered by the plan change?

5.4 In *Bluehaven Management Limited v Rotorua District Council* [2016] NZEnvC 191, the Environment Court noted that there are other High Court authorities relevant to the question of scope, including the need to avoid an overly narrow approach :

[29] In Power v Whakatane District Council & Ors the High Court noted that:

Care must be exercised on appeal to ensure that the objectives of the legislature in limiting appeal rights to those fairly raised by the reference are not subverted by an unduly narrow approach.

[30] Allan J went on in that decision to quote with approval the decision in Westfield (NZ) Limited v Hamilton City Council where Fisher J said:

[73] On the other hand I think it implicit in the legislation that the jurisdiction to change a plan conferred by a reference is not limited to the express words of the reference. In my view it is sufficient if the changes

directed by the Environment Court can fairly be said to be foreseeable consequences of any changes directly proposed in the reference.

[7 4] Ultimately, it is a question of procedural fairness. Procedural fairness extends to the public as well as to the submitter and the territorial authority. Adequate notice must be given to those who seek to take an active part in the hearing before the Environment Court if they know or ought to foresee what the Environment Court may do as a result of the reference. This is implicit in sections 292 and 293. The effect of those provisions is to provide an opportunity for others to join the hearing if proposed changes would not have been within the reasonable contemplation of those who saw the scope of the original reference.

*[31] The same approach was expressed by Wylie J in *General Distributors Limited v Waipa District Council*:*

[55] One of the underlying purposes of the notification/submission/further submission process is to ensure that all are sufficiently informed about what is proposed. Otherwise the plan could end up in a form which could not reasonably have been anticipated, resulting in potential unfairness.

*[56] There is of course a practical difficulty. As was noted in *Countdown Properties* at [165], councils customarily face multiple submissions, often conflicting, and often prepared by persons without professional help. Both councils and the Environment Court on appeal, need scope to deal with the realities of the situation. To take a legalistic view and hold that a council, or the Environment Court on appeal, can only accept or reject the relief sought in any given submission would be unreal.*

[32] As Allan J observed:

In the end, the jurisdiction issue comes down to a question of degree and, perhaps, even of impression.

5.5 The Court in *Bluehaven* also expressed caution about reliance on the a Council's s 32 analysis as a means of assessing the validity of a submission:

*[36] In that sense, we respectfully understand the questions posed in *Motor Machinists* as needing to be answered in a way that is not unduly narrow, as cautioned in *Power*. In other words, while a consideration of whether the issues have been analysed in a manner that might satisfy the requirements of s 32 of the Act will undoubtedly assist in evaluating the validity of a submission in terms of the *Clearwater* test, it may not always be appropriate to be elevated to a jurisdictional threshold without regard to whether that would subvert the limitations on the scope of appeal rights and reduce the opportunity for robust participation in the plan process.*

[37] In that context, we respectfully suggest that one might also ask, in the context of the first limb of the Clearwater test, whether the submission under consideration seeks to substantially alter or add to the relevant objective(s) of the plan change, or whether it only proposes an alternative policy or method to achieve any relevant objective in a way that is not radically different from what could be contemplated as resulting from the notified plan change. The principles established by the decisions of the High Court discussed above would suggest that submissions seeking some major alteration to the objectives of a proposed plan change would likely not be "on" that proposal, while alterations to policies and methods within the framework of the objectives may be within the scope of the proposal.

...

[39] Our understanding of the assessment to be made under the first limb of the test is that it is an inquiry as to what matters should have been included in the s 32 evaluation report and whether the issue raised in the submission addresses one of those matters. The inquiry cannot simply be whether the s 32 evaluation report did or did not address the issue raised in the submission. Such an approach would enable a planning authority to ignore a relevant matter and thus avoid the fundamentals of an appropriately thorough analysis of the effects of a proposal with robust, notified and informed public participation.

6 AMBIT OF THE VARIATION

6.1 The Public Notice for the Visitor Accommodation Variation describes it in the following terms:

New Visitor Accommodation provisions and a sub zone, including:

- *Allowing property owners living in a house or flat in lower density residential zones and rural zones year round to host as homestay up to 5 paying guests for short stay accommodation as a permitted activity.*
- *Allowing whole homes and flats in lower density residential zones and rural zones to be let out for short stay accommodation for up to 28 days through up to 3 separate lets as a permitted activity.*
- *Making it a non-complying activity to exceed the above thresholds for a homestay, or to short term let a whole house or whole flat in lower density residential zones for more than 28 days per year.*
- *Introduction of a Visitor Accommodation Sub-Zone on the planning maps*
- *Requiring a restricted discretionary activity consent in the High Density Residential Zone and Visitor Accommodation Sub Zone exceeding the*

permitted activity thresholds. Requiring controlled activity consent to exceed the permitted activity thresholds in the Business Mixed Use Zone.

- 6.2 The extent or ambit of the Variation both in terms of its changes to the management regime for visitor accommodation and its geographic coverage is very broad. Effectively, the Variation changes the entire regime for visitor accommodation, with its coverage extending to the majority of land area within the District.
- 6.3 The changes are not limited solely to amendments to the definitions and rules, but also include the identification of sites within the District where more enabling visitor accommodation provisions are intended to apply.
- 6.4 Stage 2 land covered by the Variation includes all of the Rural Zone within which the Trust's Site, as confirmed by *Stage 2-Map 9 – Glenorchy*.
- 6.5 In respect of Visitor Accommodation, all Stage 2 Maps (Map 9 included) contain the following specific annotation:

The Council has identified where the Visitor Accommodation Sub Zones are to be located. Any person may make a submission on the location and extent of Visitor Accommodation Sub-Zones as it relates to Stage 1 and Stage 2 land.

- 6.6 From this annotation, it is clear that the extent of site-specific Visitor Accommodation Sub-Zones is not sought to be limited in any manner by the Variation. Nor is it suggested anywhere that the Sub-Zone provisions cannot be subject to submissions seeking amendments to that particular form of management approach.

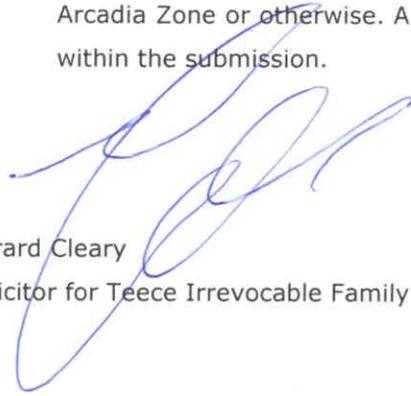
7 IS ALL OF THE TRUST'S SUBMISSION ON THE VARIATION?

- 7.1 Addressing tests for scope articulated above at paragraph 5.3 above, the Variation seeks to amend the entire management regime for visitor accommodation within a wide range of zones, the (as yet unsettled) Rural Zone included. In other words, it changes the entire status quo on this particular issue not only in terms of the zone wide rules that apply, but also in terms of identifying (in a non-exhaustive manner) locations where more liberal site specific provisions are proposed.
- 7.2 Within the Variation's very broad context, it is submitted that it is open to landowners such as the Trust to seek a site specific management regime for visitor accommodation on their properties. As noted above, the focus or intent of the Trust's submission is (in part) on securing Plan provisions that are more enabling of a limited form of visitor accommodation on the Site. The relief sought is articulated in part in a specific manner seeking that this be achieved by a rezoning of the Site for visitor accommodation. If that very specific form of relief is not available to the

Trust, alternative relief which is consistent with the intention of the Trust's submission is sought.

- 7.3 As noted in *Bluehaven*, the Courts have cautioned against adopting an overly narrow or legalistic approach to determining whether or not a submission is on a plan change or variation. Having regard to the Court's advice and and given the very broad ambit of the Variation, including the extensive amendments contemplated to the management regime for visitor accommodation, it is submitted that the Trust's request for a site specific rezoning is on the Variation.
- 7.4 In section 32 terms, the Trust's submission clearly address the key matter covered by the Council's analysis and proposes site specific relief in broadly similar terms to the Visitor Accommodation Sub-Zone provisions contemplated by the Council's analysis. The Trust's submission is not compromised by any lack of s 32 analysis of the site specific relief sought, as this is not a jurisdictional requirement [*Bluehaven* at para 39].
- 7.5 Further, it is submitted that there is no procedural unfairness associated with the relief sought given that summary of submissions would have made it clear to the world what outcome was being sought. Any person that may be affected by the relief sought would have been on notice as to the potential changes to the Site's environment and would have had the ability to lodge a further submission in support or opposition.
- 7.6 Without prejudice to the above submission that a specific visitor accommodation zoning for the Site is on the Variation, it is acknowledged that the reference to an extension of the existing Rural Arcadia Visitor Zone is perhaps somewhat out of place given that this particular Zone is to be considered in Stage 3. That said, the Rural Arcadia Visitor Zone provides a useful reference point for the form of development the Trust seeks to be enabled on the Site.
- 7.7 If the Commissioners find that the reference to the Rural Arcadia Zone is misplaced, such a finding does not automatically lead to a disqualification of all of that part of the relief sought by the Trust. On the contrary, you will have to consider whether an alternative form of relief (which stops short of a rezoning or an extension to an existing Zone) is on the Variation. In that respect, it is submitted that there can be little doubt that an alternative form of relief which, for example, adopts an overlay approach similar [but not identical to] to that contemplated by the Visitor Accommodation Sub-Zone is on the Variation. If required by the Commissioners, the Trust can advance the merits of its case on that basis, noting of course that the outcome to be advanced under this approach may have similarities to a rezoning.
- 7.8 It is submitted that no formal amendment to the relief sought is required for the Trust to advance its case on the basis of an alternative form of relief which is "lesser" than a complete rezoning of the Site either by an extension of the Rural

Arcadia Zone or otherwise. A request for such alternative relief is already contained within the submission.



Gerard Cleary
Solicitor for Teece Irrevocable Family Trust

23 July 2018



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CONSULTANTS

resource management & planning

Submission on Queenstown Lake District Plan Review – Stage 2

The Teece Irrevocable Trust No. 3

March 2018

Queenstown Lakes District Council

RESOURCE MANAGEMENT ACT 1991

QUEENSTOWN LAKES DISTRICT COUNCIL SUBMISSION ON STAGE 2

Submitter Details

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Trade Competition:

Ability to gain a trade competition advantage through this submission - No

Specific Provisions of Queenstown Lakes District Plan Review Stage 2 to which this Submission Applies:

Variation - Visitor Accommodation

Submission:

Background

The Submitter

The Submitter, the Teece Irrevocable Trust No. 3 ('The Trust'), owns 278 ha of land at upper Glenorchy, contained within 15 allotments and 6 certificates of title ('the Site'). It is legally described as Lots 1, 2 and 3 DP23952; Lots 4 and 6 DP24043; Part Sections 16, 17, 18, 19, 20, 21, 22 and 23 Block II Dart Survey District (SO404); and Sections 40 and 48 Block II Dart Survey District (SO404) and as shown on the aerial photograph attached as **Appendix A**.

The Site is immediately east of Dart River. Most of the land is open flats grazing land (known as Millers Flat) with mature beech forest covering the eastern most title (approximately one third of

the Site area). This beech forest covers extensive areas of DOC land adjoining to the east. There are no existing dwellings on the Site.

The Trust has previously received some initial expert advice regarding the potential for further sensitively designed and located residential development of the Site which would create a unique amenity for residents, maintain or enhance ecological and nature conservation values and minimize effects on observers in the wider landscape. The advice was that the Site's mix of open grazed flats, locations 'naturally hidden' by mounds and terraces and forested landscape provides scope for such development.

The Site also has considerable potential for appropriately designed and located visitors accommodation which will enable more people to enjoy the pure wilderness beauty of the Site and surrounding landscape setting. The focus could be on sustainable 'eco' style accommodation designed to have minimal if any environmental impacts.

There is some existing and zoned but as yet undeveloped visitors accommodation in the locality. To the south west is Paradise Trust land, and further south Arcadia Station, zoned for rural visitor accommodation but not yet developed. Paradise Trust includes visitor accommodation utilizing existing heritage buildings in highly scenic settings, including what are understood to be various miners cottages, and boutique accommodation, as displayed on the Paradise Trust web site - <https://www.paradisetrust.co.nz/>.

It is understood that due to local topography and separation distances, development of the Site is unlikely to be visible from the above existing/planned visitor facilities.

Planning Framework

The Site is zoned Rural General in the Operative Queenstown Lakes District Plan (QLDDP) and Stage 1 of the QLDDP Review.

Stage 2 matters include visitor accommodation which is of particular interest to the Submitter. Stage 2 proposes that in the Rural General Zone visitors accommodation, homestay for more than 5 guests, and residential visitors accommodation for more than 3 consecutive nights and/or more than 28 calendar days in a year is discretionary. This is more restrictive than Stage 1 which provides for up to 90 calendar days as a permitted activity. The focus of the Stage 2 visitor

accommodation changes appears to be the townships where residential visitor accommodation 'competes' with accommodation for residents, including seasonal workers. However, it covers the Rural Zone and includes visitor accommodation subzones.

Land to the south of the Site is zoned Rural Visitor Arcadia in the Operative QLDDP and QLDDP Review Stage 1 (**Appendix B**) The applicable Stage 1 rules with respect to the Rural Visitor Arcadia zone are not clear as this sub-zone whilst identified on the planning map does not appear to be reflected in the Stage 1 (or Stage 2) QLDDP Review rules. We understand that this is because Rural Visitor Accommodation zones will be included in Stage 3 of the QLDDP Review, to be notified in the first quarter of 2019.

The Operative Plan Rural Visitor Sub-Zone applies to a number of rural and isolated locations, including in highly scenic settings e.g. at Walter Peak, Bobs Cove, Arcadia. Their purpose of the zone is *"to provide for the ongoing operation of the existing visitor areas recognising their operational needs and avoiding, remedying or mitigating adverse effects on landscape, water quality and natural values."*

These visitor areas provide a different level of amenity and experience and relate closely to the surrounding rural resources and heritage values. They are consistent with the open space rural environment even if not involved in traditional rural pursuits. Some visitor areas also involve traditional rural activities as part of the visitor experience. Accommodation and ancillary facilities are seen as a logical adjunct to recreation and visitor activity but the scale and location of these, particularly buildings, structures, access, earthworks and plantings need to be managed to protect the surrounding rural resources, and visual impact¹.

Environmental results anticipated in the Rural Visitors Zone are (amongst other matters):

- (i) *Retention of predominant rural character of the surrounding areas while providing the potential for consolidated areas to be utilised for visitor facilities.*
- (ii) *Provision of a range of accommodation and recreation buildings while ensuring the quality of the local environment is maintained.*
- (iii) *The visual appearance of recreation facilities which complement the rural locations in which they are situated.*

¹ Queenstown-Lakes District Council – DISTRICT PLAN (September 2013), Rural Visitor Zone.
Aston Consultants Resource Management & Planning

(iv) *Exclusion of activities which cause adverse environmental effects, through the use of performance standards.*

The Rural Visitor Arcadia zone as shown on the planning maps is not changed under Stage 2 (the Stage 2 visitor accommodation maps only cover the District townships).

Relief Sought:

The Trust seeks that:-

- Extend the Rural Visitors Arcadia Zone to cover the Teece Irrevocable Trust No. 3 Site, as legally described above, and as shown on the amended planning map attached as **Appendix C** (referred to as Rural Visitor North Glenorchy Zone, which is an extension of the Rural Visitor Arcadia Zone) with amendments and additions to the Operative Plan Rural Visitors Arcadia Zone provisions as appropriate and subject to the agreement of the Trust or any successor in title. Such amendments could include an Outline Development Plan or similar which identified preferred locations for development; controlled activity status for visitor accommodation with matters of control relating to such matters as building design, landscaping and access; permitted status for residential visitor accommodation and homestays; and appropriate performance standards to facilitate development which is compatible with the surrounding landscape setting and natural environment;
- Rename the extend Rural Visitors Arcadia Zone 'Rural Visitors North Glenorchy' Zone;
- Retain the Operative QLDDP provisions with respect to residential visitor accommodation and homestays in the Rural General Zone, with amendments as above for the Trust site;
- Such other additional or alternative relief to be consistent with the above and to give effect to the intent of this submission.

Reasons for Relief Sought:

1. The Trust site is suitable for visitor accommodation;
2. The submission is consistent with the Resource Management Act ('RMA'), including Part 2. In particular, it is a more efficient use of the land resource to enable suitable visitor accommodation to proceed, enabling more people to enjoy the pure beauty of the

wilderness stunning, with positive economic effects for tourism. Much of the property is flat and is underutilized farmland because of its isolation and very limited options for farming;

3. In terms of s32 of the RMA, zoning is more efficient and effective than relying on discretionary resource consent processes to progress visitor accommodation proposals, providing greater certainty to all parties;
4. The need to place more restrictive provisions on residential visitor accommodation and homestays in order to address stated negative effects associated with these activities i.e. because it *“removes dwellings from the general housing pool for families and workers (including seasonal workers), adds to the district’s issues with affordable housing, and can affect the settled character of residential neighbourhoods”*² does not apply to the Rural General Zone, especially not more remote scenic locations such as the Site;
5. The amendments are necessary to ensure that rules and other District Plan provisions give effect to the Rural Visitor Arcadia zone as identified on the QLDDP Review Stage 1 planning map.
6. The amendments sought are consistent with the relevant planning framework including the objectives and policies of the QLDDP Review Stages 1 and 2.
7. The Section 32 Evaluation Report in support of the Stage 2 Variation – Visitors Accommodation sought is inadequate and incomplete and inconsistent with the RMA.

We wish to be hearing in support of this submission

If others make similar submissions we will consider presenting a joint case with them.



.....
(Signature of applicant or person authorized to sign on behalf of the applicant)

Date: March 8, 2018

Appendices:

² QLDC Fact Sheet Visitor Accommodation
Aston Consultants Resource Management & Planning

Appendix A: Aerial photograph of Site

Appendix B: Rural Visitor Arcadia Planning Map (Map 9 & 6)

Appendix C: Amended planning map

Appendix A
Aerial photograph of Site

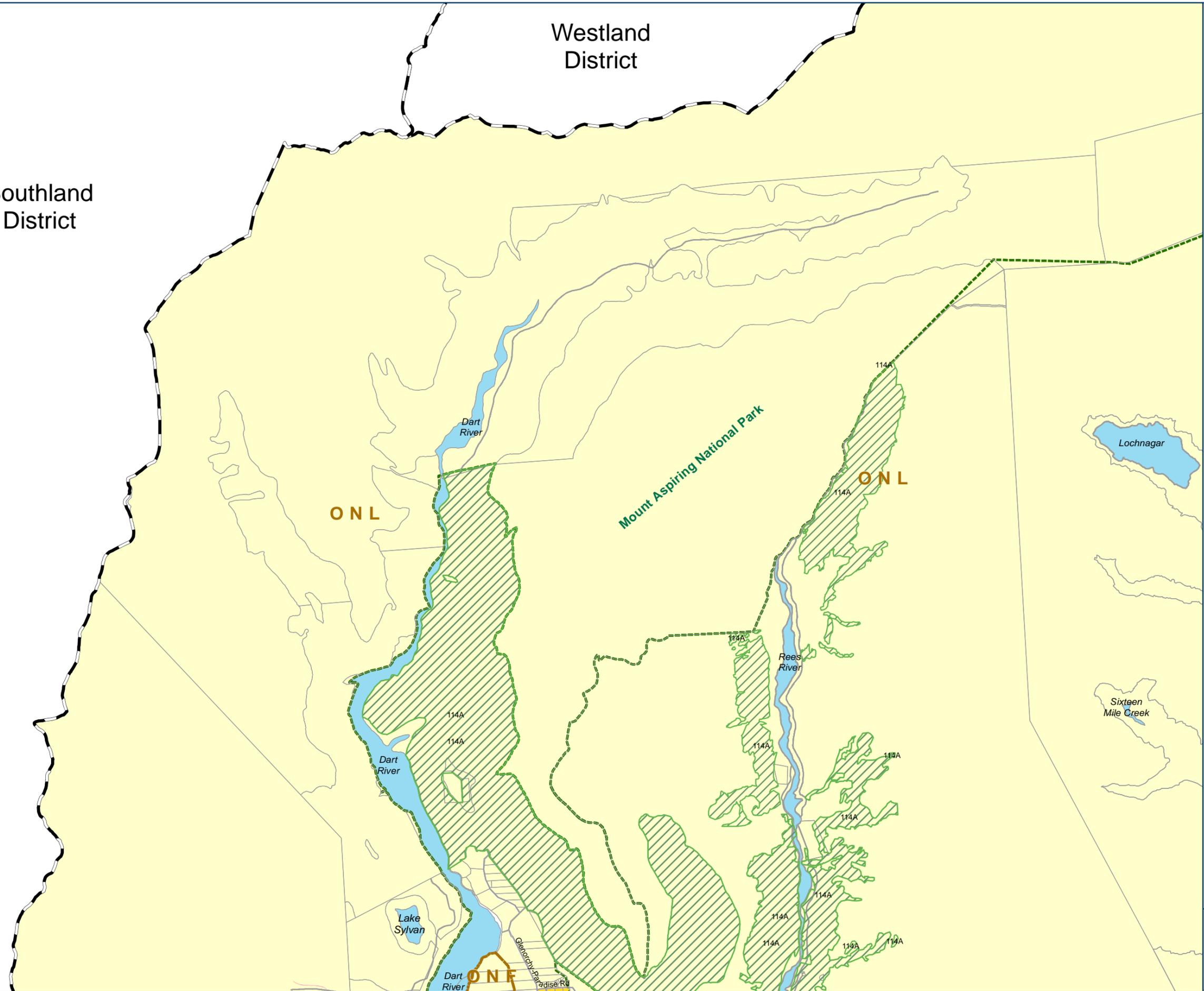
Appendix B
Rural Visitor Arcadia Planning Map (Map 6 & 9)

Southland District

Westland District

Legend

- Parcel/Road Boundary
- Landscape Classification (ONF, ONL, RLC)
- Roads
- Mount Aspiring National Park
- Territorial Authority Boundary
- Significant Natural Area
- Unformed Roads
- Rural
- Water (zoned Rural unless otherwise shown)
- Special Zones (Operative)



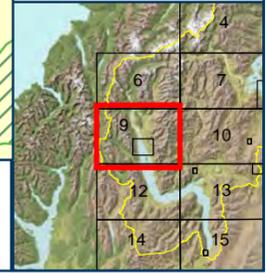
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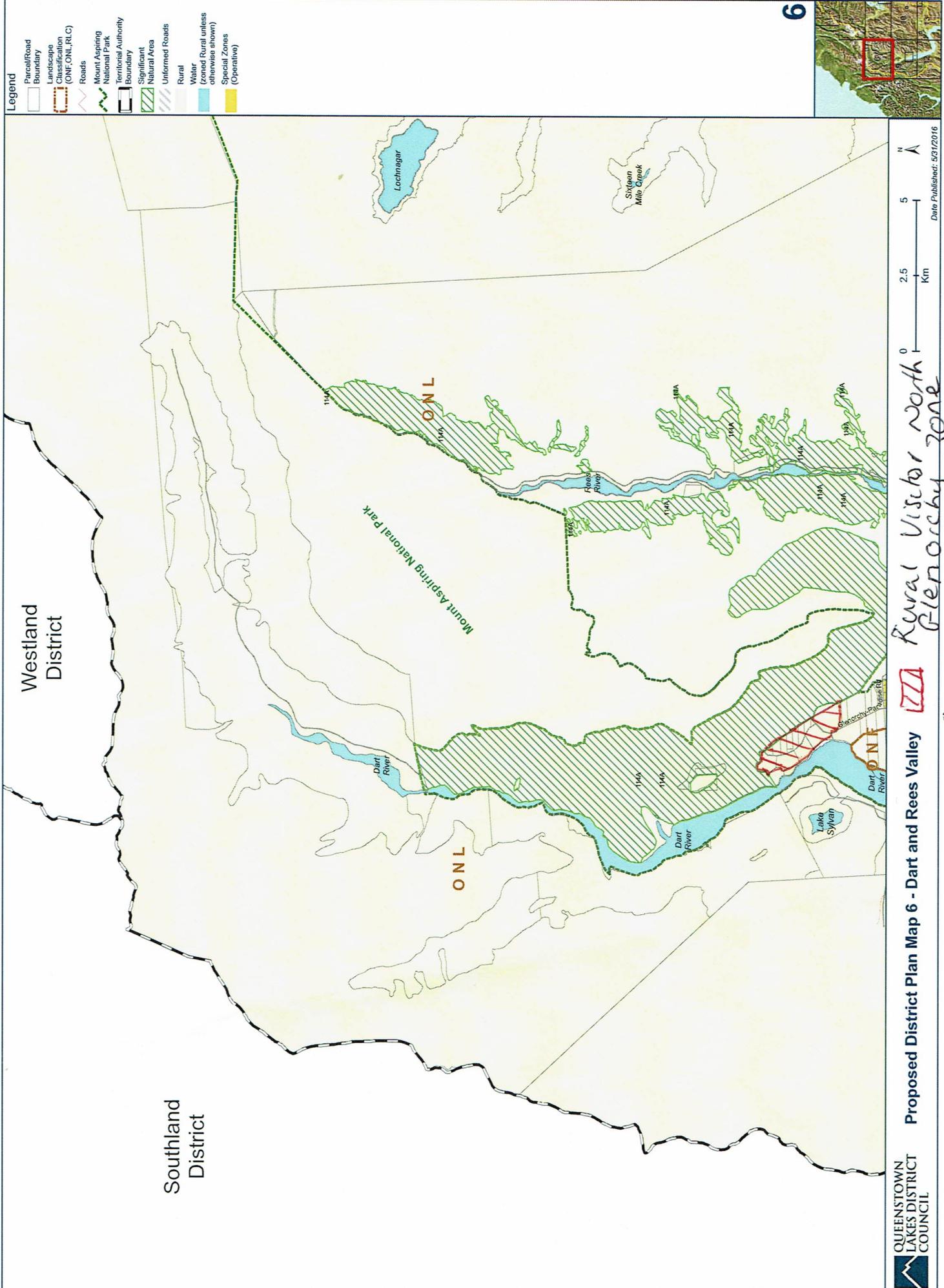


Legend

- Historic Heritage Features
- Protected Tree
- Parcel/Road Boundary
- Landscape Classification (ONF, ONL, RLC)
- Roads
- Mount Aspiring National Park
- Territorial Authority Boundary
- Heritage Landscape
- Significant Natural Area
- Unformed Roads
- Designated Areas
- Building Restriction
- Rural
- Rural Residential
- Rural Lifestyle
- Water (zoned Rural unless otherwise shown)
- Hydro Generation Zone (Operative)
- Township (Operative)
- Special Zones (Operative)



Appendix C
Amended planning map



- Legend**
- Parcel/Road Boundary
 - Landscapes Classification (ONF, ONL, RLC)
 - Roads
 - Mount Aspiring National Park
 - Territorial Authority Boundary
 - Significant Natural Area
 - Unformed Roads
 - Rural
 - Water (zoned Rural unless otherwise shown)
 - Special Zones (Operative)



6

Date Published: 03/12/2016

0 2.5 5 Km

North Arrow

Proposed District Plan Map 6 - Dart and Rees Valley

ONL Rural Visitor North Glenorchy Zone

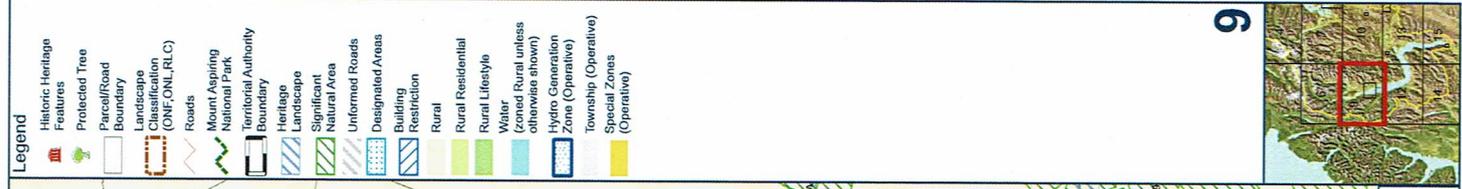
Red Hatched (Extension to Rural Visitor Arcadia Zone)

Westland District

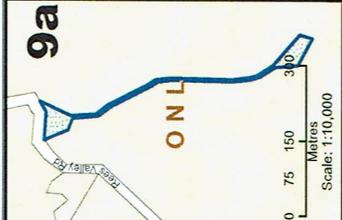
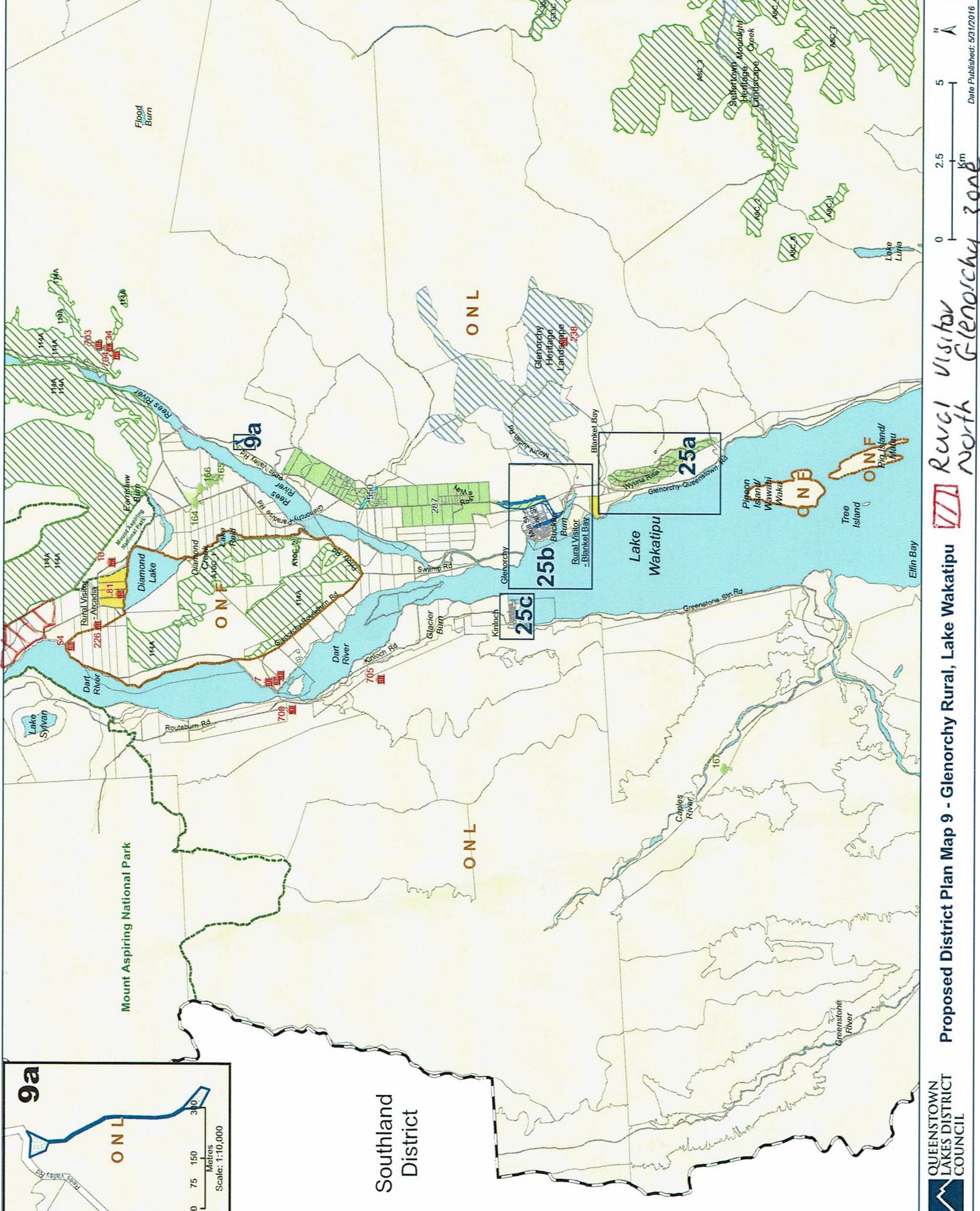
Southland District



QUEENSTOWN LAKES DISTRICT COUNCIL



9



Maps created by QLDC GIS Department

Particulars derived from New Zealand Core Records System Vector Data (Corax) obtained from LINZ under the LINZ Licence Agreement



0 2.5 5 km

Date Published: 5/1/2016

North Arrow

Proposed District Plan Map 9 - Glenorchy Rural, Lake Wakatipu

QUEENSTOWN LAKES DISTRICT COUNCIL

Rural Visitor North Glenorchy zone

Extension to Rural Visitor Arcadia zone

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