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Brett

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Organisation:

Town Planning Group Ltd

On behalf of:

John & Jill Blennerhassett

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Would you like to speak at the hearing?

☒ Yes☐ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.☐ Variations☒ Rural Visitor Zone

Additional requirements for hearing:

Would consider presenting a joint case

Attached Documents

From: [Brett Giddens](#)
To: [pdpsubmissions](#)
Subject: Submission on Stage 3b of PDP | John and Jill Blennerhasset (2379-20)
Date: Thursday, 30 January 2020 4:08:59 PM
Attachments: [2379-20-PDP-SUB \(FINAL\).pdf](#)
Importance: High

Hello,

Please find **attached** a submission made on behalf of John and Jill Blennerhasset on Stage 3b of the PDP.

A waiver is requested under section 37 of the Resource Management Act 1991 for the late submission:

1. The Submitter acknowledges that they were aware that the Rural Visitor Zone was to be notified for submissions by the Council in late 2019. John Blennerhasset, who was to handle the submission, has been experiencing significant health issues throughout 2019 and into 2020. While the health issues are of a personal nature, the Submitter is willing to provide clear evidence to support this should the commissioner require it.
2. With the email sent by the Council this morning to advise that the further submission period commences tomorrow (31 January 2020), our subsequent review revealed that the expected submission was not in the summary. From discussions with the family, it is evident that an oversight had been made in which no submission had been lodged at all.
3. Upon realising the issue, Town Planning Group was requested immediately to prepare and lodge the application with haste (today, 30 January 2020). This included a site meeting and inspection.
4. An email was sent by Brett Giddens to the Council at 2.48pm to advise them of the pending submission in advance and request that it be provided on the Council's website by 31 January 2020 (being the date that the further submission period commences). In achieving this time period, the submission should – practically – be treated like all other submissions which are available to other parties for review and further submission within a period of 10 working days. The Submitter has acted with haste to prepare and lodge this submission and is mindful of the Council's duty under section 21 to avoid unreasonable delay (which is also reflected in section 37A).
5. No party should be prejudiced by the late submission.
6. The commissioner's consideration of this late submission and the reasons for the lateness, are appreciated. The submitter apologises for any inconvenience to Council staff as a result of this late submission.

Best regards,

Brett

Brett Giddens

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Form 5

Submission on a Publicly Notified Proposal for Policy Statement or Plan

Clause 6 of First Schedule, Resource Management Act 1991

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

Name of Submitter: **John & Jill Blennerhassett** (“**Submitter**”)

Introduction

1. Stage 3b of the Proposed Queenstown Lakes District Plan (“**PDP**”) was notified on 31 October 2019 and:

... introduces a new Chapter 46 Rural Visitor Zone and a series of zoning proposals, mapping notations, and variations and amendments to parts of zones and chapters that were decided through Stages 1 and 2 (including variations to the following Proposed District Plan Chapters: Chapter 25 Earthworks; Chapter 27 Subdivision and Development; Chapter 31 Signs; and Chapter 36 Noise).
2. The Submitter has an interest in the PDP as a whole, and as such, the submission relates to (and is on) the PDP in its entirety, including those chapters listed in the public notice.
3. The Submitter could not gain an advantage in trade competition through this submission.
4. The Submitter has particular interest in Chapter 46 – Rural Visitor Zone and Planning Maps 7, 18 and 22 of the PDP.
5. This Submission relates to a “**Site**” located at 280 Wanaka-Mt Aspiring Road, West Wanaka, commonly referred to as “Barn Pinch Farm” and “The Olive Grove”. The Site is approximately 34.4 ha in area and legally described as Lot 1 DP 367753, as held in Certificate of Title 275291.
6. The Site is shown in Figure 1 below, and shown on Planning Maps 7, 18 and 22 of the PDP.



Figure 1: Site Location (boundary indicative)

Submission

7. The Submitter **supports** the Rural Visitor Zone **subject to**:
- (a) the amendment to Planning Maps 7, 18 and 22 to include the Site within the Rural Visitor Zone;
 - (b) amendment to the policy and rule framework to provide for residential activity alongside visitor accommodation activities, within the Rural Visitor Zone; and
 - (c) any consequential amendments to facilitate the Site being subject to Chapter 46 – Rural Visitor Zone and not its previous underlying zoning; and
 - (d) any refinements to the provisions of Chapter 46 to better achieve the purpose of sustainable management.

Reasons for the Submission

8. The reasons for the Submission include, but are not limited to, the following:
- (a) Barn Pinch Farm is located on the outer edge of Wanaka, overlooking Lake Wanaka to the north. The Site also includes “The Olive Grove”, a venue for weddings and events.
 - (b) This Submission presents an opportunity to provide for the growth and diversification of the visitor industry within Wanaka at a level commensurate to the landscape values the site sits within. In particular, opportunities exist with this property to contain visitor related development and activity with the protection and further enhancement of landscape values.
 - (c) The Rural Visitor Zone Purpose at 46.1 states that:

... the Rural Visitor Zone provides for visitor industry activities in remote locations within Outstanding Natural Landscapes at a limited scale and intensity, where each particular Zone can accommodate the adverse effects of land use and development.

- (d) The Site is located within the Rural Zone of the PDP. The small portion of the Site is located within an Outstanding Natural Landscape (“**ONL**”) in the decision’s version of the PDP. It is understood that this decision is under appeal. The site adjoins an ONL.
 - (e) The Submitter considers that a Rural Visitor zoning for the site is appropriate irrespective of the landscape classification, and that the provisions of Chapter 46 should be amended so that rural land that is not within an ONL is provided for.
 - (f) The introduction of a Rural Visitor Zone to the Site broadly aligns with Chapter 46, in particular the purpose of the Zone and outcomes directed through its objectives and policies. The rules provide appropriate safeguards and controls on activities within the Zone including the location of buildings outside of landscapes of high visual sensitivity and controls on building development to ensure landscape values are considered and reflected in the building design.
 - (g) The adoption of the Rural Visitor Zone to the Site will give rise to positive effects by enabling visitor industry activities, including the expansion and diversification of existing activities associated with the events venue. A carefully managed zone would be an asset to the district and create opportunities for visitors to experience the natural scenic values of Wanaka and its surrounds.
9. Granting the relief as sought will:
- (a) provide for visitor industry activities at a location (the Site) within a landscape that can accommodate change while avoiding, remedying and mitigating adverse effects on an ONL (section 6 of RMA);
 - (b) enhance visitor industry activities within an increasingly popular location;
 - (c) enable the social, economic and cultural well-being of the community;
 - (d) meet the reasonably foreseeable needs of future generations;
 - (e) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means; and
 - (f) promote the sustainable management of natural and physical resources, will be consistent with Part 2 of the RMA and ultimately achieve its purpose.

Relief sought:

10. The Submitter requests the following decision:
- (a) amend Planning Maps 7, 18 and 22 to include the Site within the Rural Visitor Zone, with the removal of the previous zoning and respective overlays on the Planning Maps that pertain to the Site; and
 - (b) adopt Chapter 46 – Rural Visitor Zone, with appropriate amendments as sought in or to otherwise address the issues raised in this Submission, including greater provision for residential activity; and
 - (c) any other additional or consequential relief to the PDP, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission.
11. The suggested revisions contained in this Submission do not limit the generality of the reasons for the submission.
12. The Submitter wishes to be heard in support of its submission.
13. If others make similar submissions, the Submitter will consider presenting a joint case at any hearing.



Signed by Brett Giddens on behalf of the submitter

30 January 2020

Date

Address for Service: Town Planning Group (NZ) Limited
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Queenstown

Contact Person: Brett Giddens
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IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Stage 3 of the
Queenstown Lakes
Proposed District Plan

MINUTE 3 – LATE BLENNERHASSET SUBMISSION

Introduction:

1. Stage 3B of the Proposed District Plan was publicly notified on 31 October 2019 with submissions closing Monday 2 December 2019.
2. On Thursday 30 January 2020, Mr Giddens lodged a submission relating to Stage 3B on behalf of Mr and Mrs Bennerhasset, accompanied by a request for waiver section 37.
3. In my Minute 2, I recorded that I have delegated authority from the Council to consider such applications. I also noted the general powers in respect of waiving and extending time limits. I do not, therefore, need to repeat those matters. This application, however, raises an additional feature that I do need to address. To state the obvious, this is an extremely late submission. By my calculation, it has been filed 27 working days since closure of the submission period. Putting aside any consideration of the merits, which I will come to shortly, I need to determine whether I have the ability to grant the application at all given the qualification of that power stated in section 37A(2) whereby:

“A time period may be extended under section 37 for-

- (a) a time not exceeding twice the maximum time period specified in this Act; or*
- (b) a time exceeding twice the maximum time period specified in this Act if the applicant or requiring authority requests or agrees.”*

4. Section 37A(2)(b) provides no assistance because in the case of a Plan Change, there is no applicant, and the subject matter of the Plan Change means there is no requiring authority either.

5. While the intention of Section 37A(2)(a) is clearly to limit the scope of waivers that might be granted, I find that it does not in fact impose a limit in this case, because the time limits for lodgement of submissions on proposed plans and proposed plan changes in the First Schedule of the Act are stated as minimum periods in each case (at least 40 working days after public notification for a proposed policy statement or plan and at least 20 working days after public notification for a proposed plan change (or variation) – see clause 5(3) of the First Schedule). Consistent with those provisions, the submission period for Stage 3B was 22 working days.
6. Accordingly, I find that the application made on behalf of Mr and Mrs Blennerhasset has to be considered on the basis of the more general factors discussed in Minute 2.

Reasons for Application:

7. In his application for waiver on behalf of Mr and Mrs Blennerhasset, Mr Giddens advised that his clients had intended to lodge a submission, that Mr Blennerhasset had responsibility for preparing and lodging same but, due to his serious ill health, this did not occur and that the omission was only identified when Mr Giddens was able to peruse the Summary of Submissions circulated by Council (and identify that there was no submission listed for Mr and Mrs Blennerhasset).
8. Mr Giddens offered to provide evidence of Mr Blennerhasset's health issues, but I do not find it necessary to take up that offer. I am happy to rely on Mr Giddens' advice in this regard (and would wish Mr Blennerhasset a speedy recovery).
9. Mr Giddens' application was premised on it being possible for the Council to include the Blennerhasset submission in the Summary of Submissions notified by Council on 31 January 2020. He asserted that this would avoid prejudice to any third parties. However, the process for preparation and notification of the summary of submissions did not enable late additions (quite apart from the need to obtain a waiver before the submission could be accepted for processing).

Discussion:

10. The Blennerhasset submission is of limited scope, being solely directed at the zoning of their property on the outskirts of Wanaka (on the Mt Aspiring Road). While that is a positive, and I accept that Mr Giddens moved with the utmost despatch when alerted to this problem, it is extremely late. The statutory obligation in section 21 to avoid unreasonable delay and the need for an efficient hearing process would normally be fatal in such circumstances. I am only prepared to entertain the possibility of waiver

on compassionate grounds, given the information Mr Giddens has provided in that regard.

11. The Council Team have advised me that if a waiver is granted, they will be able to publicly notify a summary of the submission on 20 February. That will mean that further submissions in relation to that submission close 5 March. This leaves little time to assess the content of any such further submissions before the indicative deadline for release of Section 42A Report and accompanying Council evidence (18 March). However, given the limited scope of the submission, and the fact that any further submissions cannot extend the relief sought, I find that this is an acceptable imposition to put on the Council Team in the particular circumstances of this case.
12. That process will ensure any prejudice to third parties is addressed. Indeed, notification of this sole submission will highlight its content to potentially interested parties in a way that would not have occurred had it been notified with the balance of submissions.
13. In summary, having considered the statutory criteria, I grant a waiver for the late submission of Mr and Mrs Blennerhasset on Stage 3B of the Proposed District Plan.

Dated 10 February 2020



Trevor Robinson

Chair

Stage 3 Hearing Panel