

Submission on Queenstown Lakes Proposed District Plan Stage 3B

Under Clause 6 of the First Schedule, Resource Management Act 1991

To: Queenstown Lakes District Council

Submitter: Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green

1. This is a submission on the Queenstown Lakes Proposed District Plan – Stage 3B (**PDP**).
2. Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green (**Submitter**) could not gain a trade competition advantage through this submission (clause 6(4) of Part 1 of Schedule 1 of the RMA 1991).
3. This submission relates to the Submitter's land on Morven Ferry Road, legally described as Lots 2 – 4 DP 397602, being the land hatched in orange illustrated on the plan attached as **Appendix 1** to this submission (**the Site**).
4. The specific provisions that this submission relates to are:
 - a) Chapter 46: Rural Visitor Zone;
 - b) Chapter 25: Earthworks;
 - c) PDP Planning Maps 30 and 13d;
 - d) Operative District Plan Section 12 Rural Visitor Zone.

Background to the Submission

5. The Site was zoned Rural Zone in the notified version of Stage 1 of the PDP. The Submitter submitted on Stage 1 seeking that the Site be re-zoned to Morven Ferry Rural Visitor Zone A and Morven Ferry Rural Visitor Zone B. No decision was made on the Submitter's Stage 1 submission because the Site was removed from Stage 1 and re-zoned Wakatipu Basin Rural Amenity Zone (**WBRAZ**) under the notified version of Stage 2 of the PDP. The Submitter submitted on Stage 2 seeking that the Site be re-zoned to 'Morven Ferry Road Visitor Precinct A' and 'Morven Ferry Road Visitor Precinct B'. That relief was not granted by the Independent Hearing Panel and is now subject to appeal before the Environment Court.
6. Chapter 46 and the identification of the Rural Visitor Zone (**RVZ**) on the PDP planning maps is being considered under Stage 3B of the PDP. The Submitter opposes the Council's proposal not to include the Site within the RVZ.

Summary of Submission

7. The Submitter seeks that the Site be re-zoned to RVZ, within sub-zones 'Morven Ferry Rural Visitor Zone A' and 'Morven Ferry Rural Visitor Zone B'. The re-zoning is sought as part of the Submitter's vision to create a visitor hub within the Wakatipu Basin rural environment for residents and visitors utilising the Queenstown Trail for commuting and sightseeing. The relief sought by the Submitter in Stage 2 and Stage 3B in respect of a visitor zone aims to create a location in the Wakatipu Basin that provides for visitor accommodation and activities that are sensitive to the surrounding rural environment and provide for the needs of both residents and visitors.
8. The Submitter generally supports the provisions of Chapter 46: Rural Visitor Zone and variations to related provisions in other chapters, except for the site specific amendments sought, as set out in **Appendix 2** to this submission, to enable effective use of the Site taking into consideration the Site's location, natural characteristics, landscape values, and ability to absorb additional development.
9. In the alternative to re-zoning the Site to RVZ, the submitter seeks that the Site be re-zoned to the Operative District Plan Rural Visitor Zone (**ODP-RVZ**), subject to amendments to the ODP-RVZ as set out in the Submitter's submission on Stage 1 of the PDP.

The submission is 'on' Stage 3B

10. It is submitted that this submission is 'on' Stage 3B of the PDP. The concept of the scope of a plan change essentially comes down to the question of procedural fairness, requiring the process of a plan change to be fair to the parties submitting and the general public.
11. Stage 3B introduces Chapter 46: Rural Visitor Zone as a new chapter of the PDP and identifies the RVZ on the PDP planning maps for the first time. Stage 3B is the first opportunity in the District Plan Review process for potential submitters to submit on the provisions and mapped areas of the RVZ. Therefore, if a landholder wishes to have their land included within the RVZ they must be given the opportunity to seek that relief as part of Stage 3B. To not provide landholders with this opportunity would be a procedural unfairness.
12. In Stage 1 of the PDP the Submitter sought that the Site be re-zoned to Morven Ferry Rural Visitor Zones A and B. The Submitter did not have the opportunity to be heard on this relief because the Site was subsequently removed from Stage 1 and included in Stage 2. The Morven Ferry RVZ sought by the Submitter in Stage 1 and Stage 2 was an adaptation of the ODP-RVZ. The RVZ notified under Stage 3B is the Council's review of the ODP-RVZ. It is therefore logical that the appropriate time for the Council to consider the Submitter's relief for the Site to be re-zoned to RVZ is as part of Stage 3B.

Reasons for the Submission

13. The retention of the WBRAZ zoning over the Site is opposed as it does not reflect the existing development of the Site and surrounding land along Morven Ferry Road. The current WBRAZ provisions are unnecessarily onerous and unreasonably restrict further development which could be accommodated on the Site. The WBRAZ zoning and provisions do not recognise the potential for appropriate commercial and visitor development to be accommodated within the Site whilst maintaining landscape character and amenity values through the use of site specific development controls. The WBRAZ therefore acts as a barrier to appropriate development and reasonable land use in the future, ignores the economic wellbeing of landowners and the social wellbeing of residents and visitors, and results in ineffective land use along Morven Ferry Road and in the Wakatipu Basin generally.
14. RVZ is the most appropriate zoning for the Site given the Site has landscape values which are predominately rural in nature whilst having the potential to absorb appropriate commercial and visitor development. A RVZ along Morven Ferry Road is a positive planning outcome for the Basin given the lack of other commercial/visitor hubs in the Basin, and the location of the Site along the Queenstown Trail. Re-zoning the Site to RVZ allows for appropriate commercial/visitor development to be master-planned in a manner that works within the surrounding rural environment. The re-zoning of the Site to RVZ would give better effect to Part 2 of the RMA than the proposed WBRAZ zoning.
15. The RVZ Section 32 Report did not assess the option of creating RVZs additional to those already established under the ODP. It did not consider the potential benefits of providing for rural visitor development within the Wakatipu Basin. This approach to planning fails to recognise the visitor growth in the District and the need to accommodate this growth, where it is appropriate outside of the RVZ areas already established. The Section 32 Report does not establish that the extent of the RVZ as notified in the PDP is the most appropriate way to achieve the purpose of the RMA.
16. While the provisions of Chapter 46: Rural Visitor Zone and related provisions from other chapters are generally supported, a number of site specific amendments are sought to reflect the capacity of the Site to absorb certain development, the intentions of the Submitter to develop the Site for certain types of visitor and associated commercial activities, and the fact that the Site is not within an Outstanding Natural Landscape.

Relief Sought

17. The Submitter seeks the following decision:

- a) That the WBRAZ zoning over the Site is deleted and that the Site is re-zoned to Rural Visitor Zone with sub-zones 'Morven Ferry Rural Visitor Zone A' and 'Morven Ferry Rural Visitor Zone B', as illustrated by the area hatched in orange in **Appendix 1** to this submission; and
- b) All amendments sought to Chapter 46: Rural Visitor Zone and related provisions from other chapters, specific to the Morven Ferry Rural Visitor Zones, as set out in **Appendix 2** to this submission;
- c) In the alternative, that the WBRAZ zoning over the Site is deleted and that the Site is re-zoned to ODP-RVZ with sub-zones 'Morven Ferry Rural Visitor Zone A' and 'Morven Ferry Rural Visitor Zone B'; and
- d) All amendments sought to ODP Section 12: Rural Visitor Zone, specific to the Morven Ferry Rural Visitor Zones, as set out in the Submitter's submission on Stage 1 of the PDP;
- e) Alternative, consequential, or necessary additional relief to give effect to the matters raised generally in this submission.

General

18. The Submitter wishes to be heard in support of this Submission.

19. The Submitter will consider presenting a joint case with others presenting similar submissions.



**Barnhill Corporate Trustees Limited and
DE, ME Bunn & LA Green**

Signed by its duly authorised agents

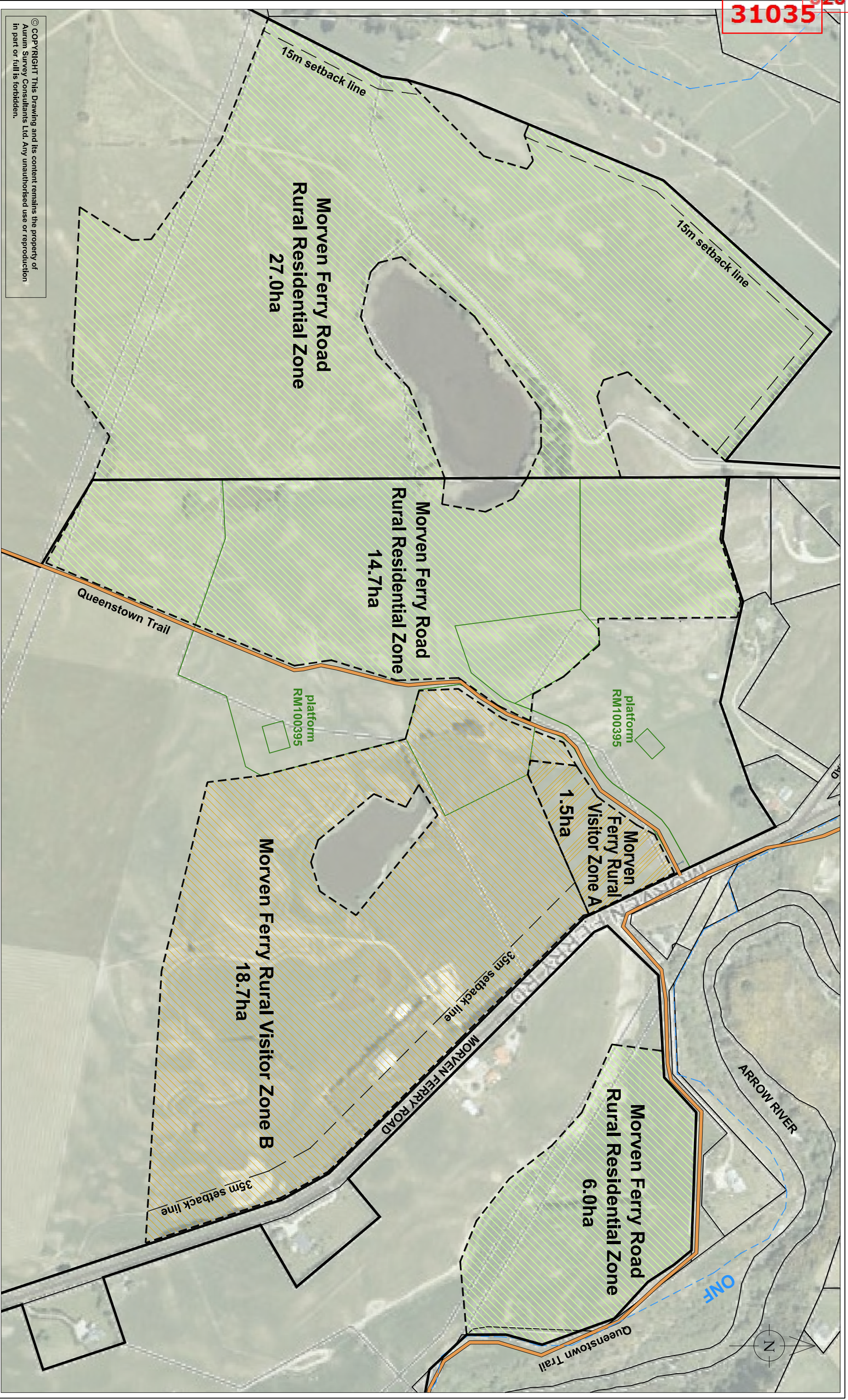
Anderson Lloyd

Per: **Vanessa Robb**

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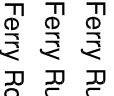
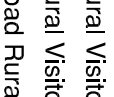
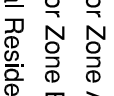
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Appendix 1 – Morven Ferry Rural Visitor Zone Proposed Plan




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Legend

-  Morven Ferry Rural Visitor Zone A
-  Morven Ferry Rural Visitor Zone B
-  Morven Ferry Road Rural Residential Zone
-  Queenstown Trail
-  Outstanding Natural Feature boundary (from District Plan review)

**PROPOSED ZONE PLAN
MORVEN FERRY ROAD
WAKATIPU BASIN**

DATE: 22 Oct 2015
BY: Bruce McLeod
Scale: 1:4000
Original Plan A3
DRAWING & ISSUE No. 3015-53A-1A



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Appendix 2 – Amendments sought to Chapter 46 Rural Visitor Zone

1. Amend 46.1 Purpose, Objective 46.2.1, and Policies 46.2.1.1, 46.2.2.1 and 46.2.2.2 to make reference to Rural Visitor Zones outside of Outstanding Natural Landscapes, such as by reference to the Morven Ferry Rural Visitor Zones within the Wakatipu Basin.
2. Amend Table 46.4 Rules – Activities, as follows:

	Table 46.4 – Activities	Activity Status
46.4.7	<p>Farm Building</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. The relationship of the proposed farm building to farming activity; b. Landform modification, landscaping and planting; c. Lighting; d. Servicing including water supply, fire-fighting, stormwater and wastewater; and e. Natural Hazards. <p><u>This rule does not apply to the Morven Ferry Rural Visitor Zones. Farm Buildings in the Morven Ferry Rural Visitor Zones are permitted.</u></p>	RD
46.4.x	<u>Commercial activities in the Morven Ferry Rural Visitor Zones</u>	<u>RD</u>
46.4.xx	<u>Residential activities in the Morven Ferry Rural Visitor Zones</u>	<u>D</u>
46.4.13	Residential activity except as provided for in Rules 46.4.2, and 46.4.3 and <u>46.4.xx</u>	NC
46.4.14	Commercial, retail or service activities except as provided for in Rules 46.4.2, and 46.4.3 and <u>46.4.x</u>	NC

3. Amend Table 46.5 Rules – Standards, as follows:

	Table 46.5 - Standards	Non-compliance status
46.5.1	<p>Building Height</p> <p>46.5.1.1: The maximum height of buildings shall be 6m.</p> <p>46.5.1.2: Within the Water Transport Infrastructure overlay identified on the District Plan maps the maximum height of buildings shall be 4m.</p> <p><u>46.5.1.3: The maximum height of buildings in the Morven Ferry Rural Visitor Zones shall be 8m, except for agricultural and viticultural buildings where the maximum height of buildings shall be 10m.</u></p>	<p>NC</p> <p>NC</p> <p><u>NC</u></p>
46.5.2	<p>Building Size</p> <p><u>46.5.2.1: The maximum ground floor area of any building shall be 500m².</u></p> <p><u>46.5.2.2: The maximum ground floor area of any building in the Morven Ferry Rural Visitor Zone A shall be 1500m²</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. landscape; b. Visual amenity values; and c. Nature, scale and external appearance.

	46.5.2.3: <u>The maximum ground floor area of any building in the Morven Ferry Rural Visitor Zone B shall be 3000m²</u>	
46.5.x	<p><u>Setback from Roads</u></p> <p><u>Buildings shall be setback a minimum of 35m from Morven Ferry Road.</u></p>	<p><u>RD</u></p> <p><u>Discretion is restricted to:</u> <u>a. Nature and scale;</u> <u>b. Reverse Sensitivity effects;</u> <u>and</u> <u>c. Functional need for buildings to be located within the setback.</u></p>

4. Amend Chapter 25 Earthworks Table 25.2 as follows:

	Table 25.2 - Maximum Volume	Maximum Total Volume
25.5.5	Queenstown Town Centre Zone Wanaka Town Centre Zone Local Shopping Centre Zone Business Mixed Use Zone Airport Zone (Queenstown) Millbrook Resort Zone Rural Visitor Zone, <u>except the Morven Ferry Road Visitor Zones</u>	500m ³
25.5.6	Rural Zone Gibbston Character Zone Airport Zone (Wanaka) <u>Morven Ferry Rural Visitor Zones</u>	1000m ³