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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:

Attached Documents

File

RVZ further submission

31062

Submission by Marc Scaife in response to Matakauri Lodge's submission 31033 seeking to be re-zoned as Rural Visitor Zone under stage 3b of the QLDC Proposed District Plan.

Matakauri Lodge's current submission is similar to its proposal in stage 1 of the PDP where it sought to be rezoned as a Visitor Accommodation Subzone of the Rural Lifestyle zone; a proposal which was ultimately rejected by QLDC on the recommendation of the Independent Commissioners of the PDP (Report 4B, March 2019).

Stage 3b of the PDP introduces a Rural Visitor Zone (RVZ) whose purpose is to "provide for visitor industry activities in remote locations within the Outstanding Natural Landscapes". The zone's objectives, policies and rules are permissive of substantial development, with visitor accommodation as a permitted activity, with buildings as a controlled activity, and with no rules or guidance in regards to building density or number of visitors.

Matakauri's submission to be re-zoned as a RVZ, like its previous proposal in stage 1 of the PDP, is almost entirely self- focused, i.e. it addresses the question of whether the proposed zone suits its own activities and development aspirations. No doubt the proposed RVZ would suit Matakauri Lodge's aspirations very nicely, but the relevant question is whether that re-zoning would suit the landscape and the Rural lifestyle zone it is located in, and whether it suits the other occupants of that zone and the wider District.

These questions are not addressed by Matakauri Lodge's submission. It takes it as a given that further development will not compromise the landscape qualities; it says nothing about how and why further building density on its site could be compatible with the surrounding low density Rural Living zones, or of the effects of further visitors, vehicles, aircraft etc on rural amenity and lifestyle of neighbours in the surrounding area and the public at large. Matakauri's submission makes the philosophical mistake of deriving an "Ought" from an "is", i.e. using the current activities on the site as a justification for these activities, and compounds this mistake by suggesting that the presence of these activities justifies allowing still more of them. Such a line of argument has the tail wagging the dog. It is ad hoc. It makes the Plan fit the site rather than the site fit the Plan. It jeopardises the integrity of zones, and the whole exercise and purpose of planning. On that basis anyone could ask to be re-zoned.

In the same way that Matakauri's current submission follows its previous one on the Visitor Accommodation subzone (VASZ), so too are the commissioners' conclusions to reject that subzone applicable to the current Matakauri lodge submission: : "nor, in our view, has any proper evaluation been made of the effects of applying the proposed rules on the environment surrounding the VASZs."(p5.) And: "No evidence has been provided ... to justify the differentiation between allowable (building) coverage in the VASZ versus that allowable elsewhere in the Rural Lifestyle zone."(p9) . Whilst the commissioners comment applied to the relationship between zone and sub zone, equally, in the case of Rural Visitor Zone, the relationship with neighbouring low density Rural Lifestyle zone needs to be assessed, but has not been. It is my contention that the level of development of Matakauri's site is already well in excess of what is consistent with its surrounding zone(a proposition which Matakauri has steadfastly denied in all of its incremental resource consent applications, but now acknowledges in its own submission), that the site is already overflowing its buildings, activities and carparking onto the neighbouring DOC reserve, and that rezoning the site to RLZ will only exacerbate the identified conflict and inconsistency of further

development. The proposal to rezone may satisfy some planners' desire to arrange activities neatly in boxes or zones, but it does nothing to address the underlying and inherent conflict of activities between these boxes, nor to explain why these boxes exist in the first place. In Matakauri's case, the proposed rezoning is nothing other than preferential treatment, a "carve-out" for a single site, achieved at the cost of the surrounding sites, which for the benefit of Matakauri, are constrained by the low density provisions of the zone they remain located within.

The Commissioners' analysis in their recommendation re the VA subzone in stage 1 has relevance to the proposed RVZ in general, i.e. beyond Matakauri's current submission:

- 1) They noted that whilst the purpose of the VA subzone was to provide for VA as a permitted activity in areas where this could be done appropriately, the proposed rules applying to the sub zone were not specific or stringent enough to ensure that Council had effective control to ensure that the scale of development would in fact be appropriate. In short, they identified a mismatch between the objectives and the rules. This same comment applies to the RVZ. The proposed RVZ's objectives are: "Visitor accommodation ...within appropriate locations that maintain or enhance the values of ONLs ", and also: "Buildings and development... where landscape character and visual amenity are maintained or enhanced". But the rules for the zone seem very inadequate to support these lofty objectives. There are no rules to limit building density, the controlled activity status of buildings is limited to design rather than location, bulk and density, and there is no limit on the number of people or vehicles. This is also the conclusion reached by the landscape architect who authored the QLDC section 32 Report for the RVZ, Helen Mellsoy : "More stringent controls over the location, density, height, external appearance and landscaping of buildings would be required to ensure that development within the zones was successfully absorbed within the landscape. "(p 41).
- 2) If I understand the commissioners correctly, they rejected the proposed VA subzone because, in essence, it was redundant. The sub zone's purpose was to allow VA where this could be done appropriately, eg without diminishing amenity values and the quality and character of the rural living environment. But the underlying zone objectives already stated that VA should only be allowed where this was the case. So it was not necessary to have a subzone for this purpose: the existing zone provisions were adequate to assess and direct VA in the zone, and they were in fact more robust in terms of the rules and processes that resource consent applications would be subjected to. In short, the sub zone was at best redundant, at worst a short cut that could well deliver inappropriate visitor accommodation.

It seems to me a similar argument applies to the proposed RVZ.

The two stated objectives of the RVZ ("Visitor accommodation ...within appropriate locations that maintain or enhance the values of ONLs ", and "Buildings and development... where landscape character and visual amenity are maintained or enhanced".) essentially make the zone redundant: If these objectives are truly to be met, and the buildings and activities truly maintain or even enhance the ONL they are located within, why is it necessary to have a special zone for them? Why not leave them in the zones they are in? In fact, better they stay there, so that they can face the scrutiny, assessment and test which all other activities and buildings are subjected to in a resource consent application? Which

begs the question: is the RVZ in fact just another carve-out and a planning cop-out? Rather than explaining how, and why and where the proposed visitor industry activities can be conducted without detriment to landscape and amenity, the special zone just defines this to be so, and having done so, it can allow these activities as permitted or controlled activities.

The objectives and policies of the proposed RVZ simply state that development in the identified sites will be sympathetic to the environment, but they do not provide an explanation of why this is the case, and why these sites, rather than other possible sites, are singled out for the special zoning. The real rationale for the identified sites is largely historical accident: for whatever reason, they happen to already have some level of visitor activity; the property owners want more of it; and they don't want to be burdened by having their resource consent applications properly scrutinized and assessed. In short, like Matakauri lodge's submission, the planning rationale for the zone is logically flawed, reactive, and back to front. The approach is neither honest, nor is consistent with an efficient allocation of resources.

An honest approach would be to recognize the VA on the permissive scale envisaged for the RVZ zone will in fact have some detrimental effects on landscape quality and the surrounding environment. It would not shy away from this fact by fiat or definition. Having recognised the risk of adverse effects, it would then concentrate on efficient resource allocation, ie identifying which, if any, sites in the district have the potential to maximise development potential whilst minimizing adverse effects, and it would set effective rules that ensure this to be the case. Its search would cast the net widely rather than relying on existing sites. It would be pro active and analytical rather than simply being a vessel or conduit for private plan change requests. It would have effective and clear policies and rules that serve specific environmental outcomes rather than relying on circular arguments and definitions of the zone to short cut proper planning scrutiny and control.

The only possible rationale that I can see for the selected RVZ sites is that they are geographically remote, and hence the adverse environmental effects are less obvious, direct and acute. In short, distance provides a buffer. This might explain why the zone's proposed objectives and policies are confined to effects on landscapes rather than on people and surrounding communities: remoteness ensures there are no affected communities. If remoteness is in fact a legitimate justification for a level of environmental effects (I doubt that it is), this certainly does not apply to the Matakauri Lodge site, which is located close to Queenstown, sits inside a rural living zone, has immediate residential neighbours on two sides, and is surrounded, in general, by extensive residential zones that stretch for several kilometers around it. It is located adjacent to a well frequented DOC recreation reserve, and can be clearly seen at close proximity from the 7 mile car parking and picnic area, as well as from the lake. All these factors would disqualify it from being grouped together with geographically remote candidates of the RVZ.

Marc Scaife