

**Submission on a Publicly Notified
Proposal for Policy Statement or Plan**

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

Name of Submitter: **Malaghans Investments Limited** (“Submitter”)

Introduction

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

... 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 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 Map 10.
5. The Submission relates in part to a particular property or “Site”, located at “Skippers” and legally described as follows Lot 1 DP 19171 (4.04 ha) and Lot 2 DP 19171 (7.89 ha) as shown on the plan contained in **Annexure A** (and shown on Planning Map 10 of the PDP).

Submission

6. The Submitter **supports** the Rural Visitor Zone **subject to**:
 - (a) the amendment to Planning Map 10 to include the Site within the Rural Visitor Zone; and
 - (b) any consequential amendments to facilitate the Site being subject to Chapter 46 – Rural Visitor Zone and not its previous underlying zoning and/or overlays; and
 - (c) any refinements to the provisions of Chapter 46 to better achieve the purpose of sustainable management, including an amendment to the height limits to apply in the Rural Visitor Zone.

¹ <https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Proposed-District-Plan/PDP-Stage-3b/FINAL-Stage-3b-Public-Notice.pdf>

Reasons for the Submission

7. The reasons for the Submission include, but are not limited to, the following:
- (a) The 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”.
 - (b) Skippers is in a remote location within an Outstanding Natural Landscape (“**ONL**”), rich in local history and highly desirable as a tourist destination. Currently there are no visitor industry facilities (such as accommodation) meaning that tourist access is generally limited to short half and full day trips. The lack of accommodation hinders tourism growth in this part of the district. This Submission presents an opportunity to provide for the visitor industry within Skippers without inappropriately affecting the heritage or landscape values it sits within.
 - (c) The Site is not within the Skippers’ settlement, rather it is in very close proximity providing easy access for visitor industry activities, and rezoning the Site to Rural Visitor Zone would enable the establishment of services and facilities:
 - (i) in a discrete location that avoids adverse effects on the heritage values of the Skippers settlement itself; and
 - (ii) within a small component of a wider ONL in a location and manner that can accommodate the change.
 - (d) The introduction of a Rural Visitor Zone to the Site at Skippers strongly 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 subject to a minor amendment the building height standard, as follows:

Add new standard 46.5.1.3 with the non-compliance status remaining a Non Complying Activity.

The maximum height of buildings within the Skippers Rural Visitor Zone as shown on Planning Map 10, shall be 8m.
 - (e) In consideration of the objectives and policies for the Chapter 46 – Rural Visitor Zone:
 - (i) The introduction of a Rural Visitor Zone to the Site at Skippers strongly aligns with **Objective 46.2.1** which directs visitor accommodation, commercial recreation commercial activities within appropriate locations that maintain or enhance the values of Outstanding Natural Landscapes. The associated policies give effect to the objective through a range of measures, including controls on activities (**Policy 46.2.1.1 and 46.2.1.5**), providing for tourism-related activities (**Policy 46.2.1.2**), the enhancement of nature conservation values (**Policy 46.2.1.3**), recognising the remote location and the need

for self-reliance (**Policy 46.2.1.4**), the need to protect and enhance landscape values (**Policy 46.2.1.6**), and avoiding residential development (**Policy 46.2.1.7**).

- (ii) **Objective 46.2.2** enables buildings and development that have a visitor industry related use where landscape character and visual amenity values are maintained or enhanced. Buildings can be consolidated in an area that is not identified as a High Landscape Sensitivity Area on the District Plan maps (**Policy 46.2.2.1**) and through the control of building external appearance, landscape character and visual amenity values of the Outstanding Natural Landscape can be maintained or enhanced (**Policy 46.2.2.2**). Lighting can be managed to avoid excessive glare (**Policy 46.2.2.4**) and the necessary services can be provided for (**Policy 46.2.2.6**).
- (f) Turning to the objectives and policies within Chapter 3 - Strategic Directions:
- (i) The introduction of a Rural Visitor Zone to the Site at Skippers strongly aligns with the outcomes sought by the development of a prosperous, resilient and equitable economy in the District (**SO 3.2.1**) that realises the significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services (**SO 3.2.1.1**), the diversification of the District's economic base and creation of employment opportunities through the development of innovative and sustainable enterprises (**SO 3.2.1.6**), the diversification of land use in rural areas beyond traditional activities that maintains the character of rural landscapes (**SO 3.2.1.8**), and the landscape and visual amenity values and the natural character of Outstanding Natural Landscapes are protected from adverse effects of subdivision, use and development that are more than minor (**SO 3.2.5.1**).
 - (ii) Non-residential development with a functional need to locate in the rural environment is to be provided for through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment (**SP 3.3.25**). Adverse effects on the landscape and visual amenity values and natural character of the District's Outstanding Natural Landscapes that are more than minor are to be avoided (**SP 3.3.30**).
- (g) The adoption of the Rural Visitor Zone to the Site at Skippers will give rise to positive effects by introducing visitor industry activities, such as accommodation and commercial recreation activities, into a location that currently has no such facilities. A carefully managed zone would be an asset to the district and create opportunities for visitors to experience the charms and heritage values of Skippers.
- (h) In terms of section 32AA of the Resource Management Act 1991:

- (i) The “proposal” is the introduction of the Skippers Rural Visitor Zone within Chapter 46 and Planning Map 10 of the PDP.
- (ii) The objectives of the proposal align with those within Chapter 46, and as set out above, are the most appropriate way to achieve the purpose of the RMA.
- (iii) The provisions of the proposal remain as per those notified with the exception of the increase in permitted building height from 6m to 8m (proposed new standard 46.5.1.3). The site and landscape can absorb the additional building height, with particular regard given to the retention of the building and design controls contained in notified Chapter 46.
- (iv) The proposal is the most reasonably practicable option to achieve the objectives, and the provisions are efficient and effective to give effect to the objectives and policies for the Rural Visitor Zone, and higher order strategic objectives and policies.
- (v) In terms of the costs and benefits [section 32(2)], not providing visitor industry activities through the rezoning of the Site at Skippers to Rural Visitor Zone would result in there being no opportunities within at least 22km from Skippers (the closest being Arthurs Point), meaning visitor access and any supporting amenities would remain extremely limited to this remote location with no opportunity to enable future visitor industry activities outside of an onerous resource consenting path under the prohibitive rural zoning. Adopting the Rural Visitor Zone would enable a range of people to experience Skippers heritage and landscape values, and for visitors to appreciate the connection that the area has to the wider district. Development and use of the zone would create economic growth and foster further employment opportunities. The risk of not acting would mean that visitor industry activities would not be provided for at Skippers, meaning opportunities for district growth and promotion would not be realised (being at odds with the strategic objectives and policies referred to above).
- (vi) The notified Zone provides for informal airports as a permitted activity, which is a compatible match for the Skippers Rural Visitor Zone sought in respect of the Site as it provides a viable alternative access to the area which would be of great appeal to visitors to the district.

8. 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) enable visitor industry activities within a remote location that would otherwise not be easily accessible by tourists;
- (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:

9. The Submitter requests the following decision:
 - (a) Amend Planning Map 10 is to include the Site (as identified in **Annexure A**) within the Rural Visitor Zone, with the removal of the previous zoning and respective overlays on the Planning Map that pertain to these properties; and
 - (b) adopt Chapter 46 – Rural Visitor Zone, with appropriate amendments as sought in or to otherwise address the issues raised in this Submission; and
 - (c) add new standard 46.5.1.3 within Chapter 46 to increase the permissible building height from 6m to 8m; and
 - (d) 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.
10. The suggested revisions contained in this Submission do not limit the generality of the reasons for the submission.
11. The Submitter wishes to be heard in support of its submission.
12. If others make similar submissions, the Submitter will consider presenting a joint case at any hearing.

DATED 2 December 2019



J D K Gardner-Hopkins
Counsel for the Submitter

The Submitter's address for service is C/- James Gardner-Hopkins, Barrister, PO Box 25-160, Wellington 6011.

Documents for service on the Submitter may be sent to that address for service or may be emailed to james@jghbarrister.com. Service by email is preferred, with receipt confirmed by return email.

Annexure A (site shown in red)

