

S2407

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource Management Act 1991
AND
IN THE MATTER of a submission to stage 2 of the
Proposed District Plan
BY **GLEN DENE LIMITED AND SARAH
BURDON**

**SYNOPSIS OF SUBMISSIONS FOR GLEN DENE LIMITED AND SARAH
BURDON**

Dated: 12 September 2018

TODD & WALKER law
LAWYERS | NOTARY PUBLIC

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MAY IT PLEASE THE PANEL:

Introduction

1. These submissions are in support of the submission by Glen Dene Limited and Sarah Burdon (submitter #2407) ("**submission**") to stage 2 of the Queenstown Lakes Proposed District Plan ("**Plan**").
2. The submission supports the Queenstown Lakes District Council's ("**Council**") notified zoning of the Council-owned land at Lake Hawea Holiday Park leased by Glen Dene Holdings Limited to Community Purpose – Camping Ground Zone ("**CPCGZ**"). The submission also seeks land owned by the submitter located north of Lake Hawea Holiday Park ("**land**") be rezoned from Rural to CPCGZ.
3. It is submitted the evidence for the submitter demonstrates that the CPCGZ in contrast with the notified Rural Zoning is the most effective use of the submitter's property. It will therefore be the best way of achieving the Strategic Directions in the Plan and the purpose of the Resource Management Act 1991 ("**Act**").¹

Background

4. The Council made an application to strike out the submission under section 41D of the Act on the basis of it not being "on" the Plan. The Panel in its decision of 2 August 2018 declined to strike out the submission.
5. The land while subject to this submission is also subject to a submission to Stage 1 of the Plan currently under appeal to the Environment Court. The Stage 1 submission seeks the land be rezoned Rural Visitor Zone. The appeal on the submission has been deferred pending the release of the decisions on Stage 2.

Evidence in support of the submission

6. Mr White in his evidence has undertaken a comprehensive section 32 analysis of the zoning sought by the submitter.
7. He has concluded that the rezoning sought would be more effective than the notified Rural zoning as it would allow for greater benefits from tourism activities. The allowance of such activities would be in accordance with the higher order Objectives and Policies of the Plan and the purpose of the Act as it would bring economic benefits to the district while not adversely affecting the natural character of the landscape.
8. The submitter supports these conclusions and considers they should be adopted in the Panel's recommendation on the zoning of the submitter's land.

¹ Resource Management Act 1991 section 5

9. The evidence of Mr and Mrs Burdon explains the history of the land, its use, and the existing resource consents on the land. The evidence of Mrs Burdon in particular demonstrates the benefits of the CPCGZ in terms of the existing demand for camping that will be met by the opportunities resulting from the rezoning of the land.
10. It is submitted the evidence in support of the submission confirms that the land while being a private lot and separate to the adjacent Holiday Park leased land, in reality the two lots are and have been treated as being part of one operation. It is submitted the zoning of the land should reflect this reality.

Suitability of CPCGZ to privately owned land

11. Ms Galavazi for the Council in her evidence considers that the Open Space zones should apply only to Council-owned land.
12. As Mr White points out in his evidence, while this view may be appropriate for some land it would not be so in this instance due to the particular circumstances of the land. As noted the land is run in conjunction with the Holiday Park land leased from Council and has been used for camping for many years.
13. There are no sound resource management reasons for including an area of land within a particular zone merely on the basis of who owns the land. If certain land is as suitable as another for a particular purpose, it can and should be zoned the same as that land regardless of ownership.
14. In fact I would go further and suggest to you that given the issues the country and in particular our community are faced with in terms of freedom camping it would seem somewhat bizarre that the Council should seek to attempt to protect its own camping facilities and allow for an easing of regulatory control over the same whilst continuing to oppose or frustrate private operations.
15. In many instances this would be seen as abuse of Council's regulatory powers let alone the Resource Management Act 1991.
16. Further, it is noted the section 32 evaluation report undertaken by the Council does not distinguish between Council-owned and privately owned campgrounds.

Conclusion

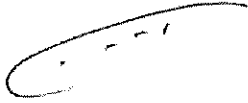
17. On the basis of the evidence before the Panel, a decision to rezone the land as sought by the submitter is appropriate.

Witnesses

18. The following witnesses will be called:
 - a. Duncan White

b. Richard Burdon

c. Sarah Burdon

A handwritten signature, possibly reading "G M Todd", written in black ink. The signature is somewhat stylized and appears to be written over a faint horizontal line.

G M Todd/B B Gresson
Counsel for Glen Dene Limited and Sarah Burdon