

**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 Stage 2 of the Queenstown Lakes
Proposed District Plan

SUBMISSIONS OF GLENE DENE LIMITED AND MRS SARAH BURDON

Dated: 23 July 2018

TODD & WALKER law
LAWYERS | NOTARY PUBLIC

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MAY IT PLEASE THE COMMISSIONERS:

- [1] These submissions are filed on behalf of Glen Dene Limited and Sarah Burdon (“**the submitter**”) in response to the Commissioners’ minute of the 14th of July 2018 which directs that certain submitters referred to in the minute respond to the Council’s applications to strike out under section 41D of the Resource Management Act 1991.
- [2] The submitter objects to Council’s application.
- [3] The submitter has filed a submission (2407.1) to the Queenstown Lakes District Council Proposed District Plan (“**PDP**”) seeking that certain land namely that legally described as Lot 1 Deposited Plan 418972 (“**the land**”) zoned Community Purpose – Camping Ground in the PDP.
- [4] The land is owned by Glen Dene Limited and is located immediately north of Lake Hawea Camping Ground which in turn is located north of the Hawea Township. A company related to Glen Dene Limited and Mrs Sarah Burdon leases the Hawea Camp Ground from the Queenstown Lakes District Council. The Camp Ground is proposed to be rezoned Community Purposes – Campground.
- [5] Only part of the existing camp is currently designated for campground and the balance of the Council land leased as a campground is zoned in the Councils Operative District Plan (“**ODP**”) as Rural General. No resource consents are held for the balance to be used as campground. This situation has existed for an excess of 40 years and it is likely that existing rights have been established. The land has for many years been held for informal and overflow camping in conjunction with the Hawea Campground. The land is currently zoned Rural General in the ODP and proposed to be zoned Rural in the PDP. To that end the characteristics of the land are no difference to that of the undesignated portion of the Hawea Campground.
- [6] The submitter wishes to continue to use the land as part of their Camp ground operation, and due to existing and growing demand for camping facilities they have plans to significantly upgrade the camp facilities.
- [7] It is submitted that the submitter’s submission is “on” those parts of the PDP being heard in stream 15.

- [8] It is submitted that the Commission correctly summarises the legal principles as to whether a submission is “on” a Plan in its minute of the 16th of April 2018, the leading authority being *Palmerston North C.C v Motor Machinists Limited*.
- [9] In particular it is submitted that the submitter’s submission is in all the circumstances of the characteristics zoning and use of the land as previously noted herein, a consequential extension of the zone changes proposed by Council in the PDP for the Hawea Camping Ground.
- [10] Further, it is submitted no substantial section 32 analysis is required to inform any person who may have otherwise filed a further submission to the submitter’s submission to inform them of the merits of the proposed change.
- [11] The section 32 analysis completed by the Council in support of the rezoning of campgrounds did not seek to differentiate between which campgrounds were Council or privately owned or leased/operated.
- [12] Further and of most relevance, anybody who may have had an interest in the rezoning of the Lake Hawea Campground (noting there was no submissions filed in respect of the same) should have considered that the rezoning would extend to land that has been used as campground for many years particularly as of course not all the Lake Hawea Campground had previously been designated for that purpose.
- [13] Further, as noted above the Section 32 analysis did not specify or imply the rezoning was only to apply to Council designated campground.
- [14] Further, the Council appears without having specifically referred to it, deliberately restricted the analysis of alterations of the land given it did not consider such.
- [15] The question needs to be asked, who might be the potential submitter who might otherwise have filed a submission had they known the implications of the submitters submission for the land.
- [16] It is my submission that there would not have been any as:
- a) The land has been used as part of the Lake Hawea Campground for many years;

- b) No one else submitted on the rezoning of the campground;
- c) The submitter owns or leases all of the surrounding land so no one else can claim to be affected;
- d) No one else can be said to have an interest greater than the public generally in the matter raised in the primary submission.

[17] Further to the extent it is seen as necessary, the Council's section 32 analysis would be easily amended to support the rezoning of the land.

[18] In considering the Council's application to strike out, the Commission should have regard to the financial interest the Council's Corporate arm have in seeking the strike out as they would be the only party to benefit.

[19] The Council will not be disadvantaged in having to prepare evidence on the submission as the time for filing such has not yet closed. Even if it did, it would be a simple matter to extend such and clearly Council will need to prepare similar evidence in support of the rezoning of that part of the Lake Hawea Campground not subject to the existing designation.

[20] For all the above reasons it is my submission the submission is "on" the Plan and it is within the jurisdiction of the Commissioner to hear and determine the submission on its merits.

Dated this 23rd day of July 2018



G M Todd

Counsel for the Glen Dene Limited and Sarah Burdon