

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Stage 3 of the
Queenstown Lakes
Proposed District Plan

MINUTE 35 – ISSUES FOR COUNCIL TO ADDRESS IN REPLY

Introduction

1. As foreshadowed in Minute 34, the Hearing Panel has been reviewing the extensive material generated during the course of the hearing with a view to identifying matters in respect of which it would be assisted by further input from the Council as part of its written reply.
2. It is emphasised that the Council is of course free to reply on any issue raised in the hearing. It would, however, be appreciated if the following matters were specifically addressed.

Strategic Objectives and Policies vis a vis NPS-UDC

3. Does the Council consider any of the strategic chapter provisions that are the subject of Environment Court Consent orders are now 'out of step' with the National Policy Statement – Urban Development (NPS- UD) – given it came into force on the 20 August 2020? If so, what implications does that have for our recommendations?
4. Whether in response to the above (ie considering any re-zoning request against the Strategic Objectives and Policies and the NPS- UD) any of the section 42A authors express an amended view/opinion to that in their section 42A report, rebuttal evidence or the evidence of the submitters? The Hearing Panel would be interested in particular, in whether Ms Hampson's position, as set out in her Summary Statement has changed in the light of Objectives 3 and 6 and Policies 1, 2, 6 and 8 (in particular) of the NPS- UD (emphasis added).

Para 6

“..In my view a ‘surplus’ of capacity reported in the BDCA on its own is not a justification to take capacity from one land use and give it to another. Nor should a reported ‘surplus’ of capacity prevent Council from rezoning additional capacity where there are strategic benefits in doing so and the additional capacity materially enhances the functionality of urban areas/settlements in the short-medium term. Each site needs to be considered in the local and wider context.”

Para 7

While a reported ‘shortfall’ of industrial capacity in the BDCA in Queenstown does need to be addressed by Council, it is important that any decision is approached strategically in terms of long-term urban form outcomes. The BDCA is a key input to the Future Development Strategy (FDS)/Spatial Plan, which is intended to take a strategic long-term approach to the future growth of the District. Council need only zone sufficient capacity to meet demand over the medium-term (ie next 10 years) and identify long-term growth areas in the FDS (ie to meet demand in the 10-30 years’ time).

Rural Visitor Zone:

5. Council is requested to respond to Mr Nolan QC’s submissions for Scope Resources Ltd on “scope” as they relate to the additional areas of RVZ (and GIZ) sought by submitters – both generally and specifically
6. Of the specific changes to the notified RVZ provisions (either generally or bespoke) sought by submitters, including through evidence / legal submissions, which do the Council consider are not within “scope”? This includes a response to the legal submissions on this matter from James Gardener-Hopkins on behalf of Gibbston Valley Station Ltd and Malaghans Investments Ltd.
7. For plan development / a plan change, what are the suites of strategic objectives and policies (in Chapters 3, 4 & 6) relevant to the Hearing Panel’s consideration of the following zoning changes:
 - from Rural Zone to RVZ?
 - from Rural Lifestyle Zone to RVZ?
 - from WBRA Zone to RVZ?
8. The Section 32 evaluation undertaken by the Council prior to notifying the proposed RVZ evaluated the appropriate zoning & provisions for areas zoned RVZ under the ODP (all except Windermere being ONL’s). Specific consultation was undertaken with the owners of those ODP zones and with the owners of immediately adjacent

sites. What / where is the Council's s32 evaluation (including identification and assessment of costs and benefits) of the changes recommended by Ms Grace to the provisions of the RVZ? Have the potential cumulative costs and benefits (both now and potentially through private plan changes in the future) been identified and assessed? In particular, has the further s32 evaluation addressed her recommended changes which would enable RVZ to be located:

- In RCL's within the Rural Zone, RLZ and WBRAZ (in locations that are difficult to see from public places and largely comprised of areas of lower landscape sensitivity), rather than only in ONLs?
 - In areas that are "generally remote", rather than "remote"?
9. The evidence of Ms Byrch (whose submission Ms Grace has relied upon) and Mr Scaife emphasised that the RVZ provisions should include clear guidance on which areas are suitable for RVZ - as the basis for determining when / where a location is appropriate. They submitted the guidance should go beyond the landscape-focus of the notified RVZ provisions. The Council's evidence on the new RVZ sites sought by submitters goes beyond landscape-related matters and has considered matters such as traffic safety, infrastructure services, natural hazards, effects on neighbouring properties, and whether a site is remote from urban areas. How are these matters intended to be addressed in the objectives and policies guiding RVZ location choices? Have these matters been addressed in the Council's s32 evaluation of the costs and benefits of Ms Grace's recommended changes to the RVZ provisions?
10. If Ms Grace considers it is appropriate to amend the notified RVZ provisions to enable the zone to be located outside ONL's, does the Council consider the relevant provisions should be included in the RVZ chapter even if no specific RV Zones outside ONL's are accepted through this PDP process? In other words, does the Council support providing the opportunity for RV Zones outside the ONL's in the future (through plan changes), even if no sites put forward in submissions are accepted through this current PDP process?
11. The notified RVZ provisions were developed (and evaluated under s32) to address a specific "legacy" resource management issue – the RV Zones in the ODP, which were limited in number (following rezoning of Cardrona, Arthurs Point North and Windermere to alternative zones, to 4 sites), and had specific characteristics lending themselves to that zoning. Ms Grace has recommended amendments which would open potential locations across the "rural" areas of the District to a RV Zoning. The submissions seek to take the RVZ provisions further with requests for

multiple “bespoke” zone provisions (effectively sub-zones) that seek different activities and scales of development beyond that developed and evaluated for the notified RVZ. Does the Council consider the resulting zone provisions continue to be “fit-for-purpose”? In other words, does the RVZ, as recommended and sought to be amended from its notified form, remain the most appropriate way to address the relevant resource management issues? If not, what alternatives are open to the Hearing Panel to consider?

12. What is the relevance to our decision making (if any) of the resource consents granted for the notified Arcadia RVZ and the RVZ site sought by Corbridge Estate Limited Partnership?
13. What weight should we put on the ability for the Council to manage visitor activities, and associated changes to the site, under the Hawea camping ground lease in the context of the rezoning of the site RVZ, as sought in the Glen Dene submission.
14. What is the Council’s position on:
 - Defining and providing for worker’s accommodation (including for construction staff) within an RVZ, including where workers could be undertaking short-term contract, seasonal, part-time or unpaid work, or for associated family members?
 - Defining and enabling residential use of visitor accommodation units for 180 days per year?
15. How has the Council applied the following rezoning principle (outlined in Mr Barr’s overview evidence) when considering its recommendations on submissions seeking additional areas of RVZ?

(j) rezoning in lieu of resource consent approvals, where a portion of a site has capacity to absorb development, does not necessarily mean another zone is more appropriate”

Variation to Open Space and Recreation Zones:

16. Is there scope within this Variation for the Hearing Panel to accept submissions to rezone to Queenstown Town Centre (QTC) Zone those parts of the Open Space and Recreation Zones from which the Variation seeks to remove the Queenstown Bay Waterfront Sub-Zone (QTWSZ), when the rezoning of that land from QTC Zone to Civic Spaces, Informal Recreation and Community Purposes Zones was confirmed through the Stage 2 PDP process (albeit subject to any appeals on Stage 2)?

17. Does the retention of the QTWSZ over the land referred to above at the time of the Stage 2 rezoning mean that the associated QTC Zone was also retained, such that the land has two zones as a result of Stage 2? This includes a response to legal submissions from Mr Ashton, counsel for Queenstown Wharves (GP) Ltd.
18. Is there scope within this Variation for us to accept a submission to rezone the St Omer and O'Regan's wharves area from Informal Recreation Zone to Civic Spaces Zone, as recommended by Ms Edgley, when the rezoning of that land to Informal Recreation Zone was confirmed through the Stage 2 PDP process (albeit subject to any appeals on Stage 2)?

Specific Evidential Issues

19. Lastly, the Hearing Panel notes that the following Council witnesses indicated that particular issues would be addressed as part of the Council reply:
 - a) Ms Turner said she would need to revert on the evidence supporting the 100m² threshold for commercial activities in the HDR Zone, as it would apply in Arthurs Point North;
 - b) Mr Rossiter was unaware of Mr Edwards' rebuttal evidence for Cardrona Cattle Company Ltd and we understood he would cover that as part of the Reply.

Dated 24 August 2020



**Trevor Robinson
Chair
Stage 3 Hearing Panel**