

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of Hearing Stream 18 – Rural Visitor Zone –
Chapter 46 Stage 3b of the Queenstown Lakes
Proposed District Plan (“**PDP**”)

LEGAL SUBMISSIONS FOR HERON INVESTMENTS LIMITED

DATED 24 JULY 2020

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1. INTRODUCTION

- 1.1. These legal submissions are made in support of a submission by Heron Investments Limited (“**HIL**”) on Stage 3 of the Queenstown Lakes Proposed District Plan (“**PDP**”), seeking a Rural Visitor Zoning over its 110 hectare property at Camp Hill Road, Maungawera Valley, Wanaka.
- 1.2. HIL appears today with two witnesses:
 - (a) Jessica McKenzie, expert landscape architect for HIL.
 - (b) Carey Vivian, expert planning consultant for HIL.

2. RURAL VISITOR ZONING

- 2.1. Mr Vivian sets out in some detail, in his evidence the submitters aspirations for development of tourism related activities on the land¹ which have been guided by principles of sustainable energy, passivehaus design and regenerative agriculture. In summary they include:
 - (a) Diversification from agriculture to a mixture of regenerative agriculture and tourism activities including commercial, commercial recreation activities and visitor accommodation;
 - (b) Consents that have been obtained for 14 hot tubs and associated buildings;
 - (c) Applications in train for e-bike hire and trail network for use within the property, commercial service centre, staff accommodation and further hot tub development;
 - (d) Future visitor attractions including visitor accommodation options with hot tub units, tiny home staff accommodation and garden market.
- 2.2. The Rural Visitor zoning sought by HIL is well suited to HIL’s development aspirations for the site.

3. LEGAL SUBMISSIONS BY QLDC

¹ From paragraph [2.3]

- 3.1 HIL does not take any issue with QLDC's opening legal submissions including those directed to submissions seeking a Rural Visitor zoning.
- 3.2 Ms Scott addresses scope to apply Rural Zone RCL threshold to new RVZ², noting, as is the case here, that HIL's land is currently located in the Rural Zone RCL. HIL submits that the site/building density controls offered give effect to the landscape policy direction to maintain landscape character, and maintain or enhance visual amenity values.

4. ISSUES RAISED BY THE REPORTING OFFICERS

- 4.1. The rebuttal evidence of Ms Grace³ brings together her and Mr Jones' assessment of HIL's planning and landscape evidence, with the following "gaps" still to be filled, or concerns raised:
- (a) Further refinement of size of the lower landscape sensitivity area, including setbacks from terrace edge.
 - (b) Ability of building coverage standard to limit the scale and intensity of built development.
 - (c) Provision for a single owner's residence.
 - (d) Limit on maximum number of overnight visitors.
 - (e) Rule to encourage access to the RV zone from Camp Hill Road rather than the State Highway.
 - (f) Landscape mapping to convert to a structure plan.
 - (g) Limit on the number of persons undertaking recreational activities within the zone.

5. ZONING REFINEMENTS AND ONGOING DISCUSSIONS WITH COUNCIL OFFICERS

- 5.1. As Ms Grace indicated during the first hearing week, the experts have been engaged in ongoing discussions to address the matters outlined

² From paragraph [8.15]. HIL agrees there is scope for new RVZs to include site coverage and building density standards.

³ From paragraph [3.1]

above with a view to arriving at an agreed position with respect to rezoning the submitters land.

- 5.2. As I understand it, the two sets of experts are now very close to agreement. This has culminated in the preparation of a revised zone plan and plan provisions⁴, which are **attached** to these submissions. The Chapter 46 provisions as they apply to HIL's land (the Maungawera Rural Visitor Zone), have been agreed between Ms Grace and Mr Vivian, with the exception of Rule 46.5.y.7, area G. Mr Vivian proposes to exclude any existing or new farm building approved under Rule 46.4.7 from the floor area standard, whereas Ms Grace has not formed a concluded view on that matter.
- 5.3. Mr Vivian and Ms Mckenzie will speak further to the revised provisions at the hearing. The revisions address the concerns/issues in 3.1(a) –(g) above as follows:
- (a) Refinement of the lower landscape sensitivity area and setbacks from terrace edge as shown on the Maungawera Rural Visitor Zone Plan ("Zone Plan").
 - (b) Zone Plan identifying areas A – G within which building coverage limits are set. These areas have been defined with reference to underlying topography and to achieve clustering of built form within the areas.
 - (c) No longer seeking provisions for an owner's residence.
 - (d) Limit on maximum number of overnight visitors – up to 50 permitted, between 50-75 restricted discretionary and over 75, non-complying.
 - (e) Camp Hill access rule no longer being pursued.
 - (f) No longer pursuing landscape mapping to convert to a structure plan.

⁴ Provisions specific to the Maungawera Rural Visitor Zone appear as revisions coloured blue

- (g) Limit on maximum number of people partaking in commercial recreation activities – up to 135 permitted, between 135 – 200 restricted discretionary and over 200 non-complying.

6. FURTHER EXPERT CONFERENCING

- 6.1. It is submitted that it would be of benefit to the Panel if the experts were to undertake further conferencing, prior to the Council's reply, in an effort to reach agreement on the matters set out above, particularly in this case where all indications are that the experts are close to agreement. This could be documented by way of a Joint Witness Statement (planning and landscape), with any remaining points of difference to then be addressed in the Council's reply.

CONCLUSION

- 6.2. HIL wishes to thank the Council's experts for making themselves available to discuss and provide input into the zoning proposal and its further refinement.
- 6.3. HIL submits that the amended zoning proposal will maintain the landscape character, and maintain and enhance the visual amenity values of the rural character landscape that the site sits within. Approval of the Maungawera Rural Visitor Zone will bring with it an opportunity for the development of unique, sustainable and innovative visitor experience while giving effect to the PDP's strategic direction.

DATED 24 JULY 2020



J E Macdonald
Counsel for Heron Investments Limited