

**BEFORE THE HEARING COMMISSIONERS
AT QUEENSTOWN**

IN THE MATTER of the Resource Management Act 1991
(the Act)

AND

IN THE MATTER of the Queenstown Lakes Proposed
District Plan: Stage 3 – Chapter 20
(Settlement Zone)

**LEGAL SUBMISSIONS ON BEHALF OF POUNAMU HOLDINGS 2014
LIMITED IN RELATION TO SETTLEMENT ZONE**

JULY 2020



ATKINS | HOLM | MAJUREY

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INTRODUCTION AND OVERVIEW

1. Tourism is a key economic contributor to the local Glenorchy economy. The Headwaters is the umbrella name for an array of environmentally sustainable accommodation and retail services in Glenorchy, owned by Paul and Debbi Brainerd through their company Pounamu Holdings 2014 Limited (**Pounamu**).
2. The Headwaters encompasses a rebuilt general store - Mrs Woolly's General Store - and a full range of accommodation options including individual cabins, multi-bed bunk huts and powered RV/campervan spots at Camp Glenorchy - New Zealand's first Net Zero energy visitor destination - and unpowered camping, glamping, and campervan spots at Mrs Woolly's Campground.
3. All profits from The Headwaters benefit the Glenorchy Community Trust, directed by local community members. The mission and vision of the community trust is to increase the vibrancy and resilience of the community of Glenorchy.
4. Pounamu has taken an active role in the Queenstown Lakes District Council (**Council**) proposed District Plan (**PDP**) process in order to ensure that the PDP appropriately recognises and provides for the full range of activities encompassed by The Headwaters. While the notified and s.42A report version of Stage 3 of the PDP did not fully recognise and provide for The Headwaters existing and planned future development activities, the rebuttal evidence of Ms Bowbyes does, and incorporates the changes requested by Pounamu to the PDP provisions.

Evidence

5. Pounamu has filed evidence from:
 - (a) Mr Paul Brainerd, co-owner of Pounamu and The Headwaters who will explain the vision behind the development to date and how the amendments will enable that vision to be fully achieved;
 - (b) Mr Fraser Colegrave, who is the Managing Director at Insight Economics and has provided detailed economic evidence in support of the amendments; and
 - (c) Mr Scott Freeman, Director, and founder of Southern Planning Group, who provides planning support for

the amendments. He is a highly experienced local planner and has worked for both private and public sector clients.

OVERVIEW OF THE HEADWATERS DEVELOPMENT

6. The Headwaters comprises three key developments in Glenorchy:
 - (a) Camp Glenorchy;
 - (b) Mrs Woolly's General Store; and
 - (c) Mrs Woolly's Campground.

Camp Glenorchy

7. Camp Glenorchy, is an eco-retreat located in the heart of Glenorchy. It offers a range of guest accommodation options and corporate/conference facilities designed in accordance with the Living Building Challenge – the most rigorous sustainability standards in the world.
8. Yoga and wellness retreats are offered on site and sustainability tours occur daily. Packages are offered which promote a wide range of local activities and experiences, including hiking, tramping, bike, and horse riding, 4 wheel driving, kayaking, fishing, skiing and snow activities, jet boating, canyoning, ziplining, and skydiving.
9. Camp Glenorchy also provides a community service in that the Humbolt Room (the largest conference room at Camp Glenorchy) has been made available for use as a civil defence emergency meeting location.



Mrs Woolly's General Store

10. Mrs Woolly's General Store is a long-standing fixture in the Glenorchy community. It is open seven days and offers a range of gifts, locally sourced goods, healthy fresh food, and other items you may need during your time at Glenorchy.



Mrs Woolly's Campground

11. Mrs Woolly's Campground is located beside the Mrs Woolly's General Store. The campground has 33 unpowered sites, nine tent-only sites and five powered sites for campervans and RV's. Facilities include toilets, laundry, showers, kitchen, BBQ, picnic benches, children's playground, and Wi-Fi. There is also an activities hut.



POUNAMU'S SUBMISSION ON THE PDP

12. The Headwater sites are all zoned Settlement Zone in the PDP.
13. Pounamu's submission on the PDP generally supported the Settlement zone provisions but sought changes in four main areas:¹
 - (a) gross floor area;
 - (b) building coverage;
 - (c) building restriction area on Oban Street; and
 - (d) the extent of the Visitor Accommodation Sub-Zone and Commercial Precinct over the Mrs Woolly's site.
14. The s.42A report accepted Pounamu's submissions that were in support of the notified version of the PDP as well as the correction required to the building restriction area on Oban Street. However, the report rejected Pounamu's relief relating to the exclusion of back of office areas from the gross floor area calculation, the reduced building coverage restriction within the Commercial Precinct and the extension of the Commercial Precinct over the Mrs Woolly's site.
15. Following the receipt and consideration of the corporate, economic, and planning evidence for Pounamu, the rebuttal evidence of Ms Bowbyes filed in June 2020 notes that she accepts that the relief sought by Pounamu is appropriate, and accordingly she includes in the version of the provisions attached to her evidence:
 - (a) the maximum gross floor area for individual retail and / or office spaces should not include 'back of house' activities:²

Retail and office activities within a Commercial Precinct

20.5.3.1 Individual retail activities within a Commercial Precinct shall not exceed 200m² gross floor area.

20.5.3.2 Individual office activities within a Commercial Precinct shall not exceed 100m² gross floor area.

¹ Pounamu Submission, 19 November 2019, pp.14 - 15. Consequential or alternative amendments necessary to give effect to the submission and Part 2 of the Act were also sought.

² Rebuttal evidence of Amy Bowbyes on behalf of Queenstown Lakes District Council, at [3.2] and [3.3].

Note: All associated office, storage, staffroom and bathroom facilities used by the activity shall not be included in the calculation of gross floor area.

- (b) a rule specific to the Mrs Woolly's site limiting building coverage to 12% of the site area is included in the Proposed Plan:³

Maximum building coverage on any site – buildings located in Commercial Precincts and Visitor Accommodation Sub-Zones only

20.5.5.1 Within the Commercial Precinct at Cardrona: 80%.

20.5.5.2 Within the Visitor Accommodation Sub-zone at Cardrona: 50%.

20.5.5.3 Within the Commercial Precinct located on the eastern side of Oban Street in Glenorchy: 12%.

20.5.5.4 At all other locations within Commercial Precincts or Visitor Accommodation Sub-Zones building coverage shall not exceed 80% on any site.

- (c) the Commercial Precinct be extended over the western end of the Mrs Woolly's site:⁴

2. Extend the Commercial Precinct in Glenorchy to incorporate part of Lots 1 – 3 DP 26928 (Pounamu Holdings 2014 Limited – 3307)



³ Rebuttal evidence of Rosalind Devlin on behalf of Queenstown Lakes District Council, at [4.5].

⁴ Rebuttal evidence of Rosalind Devlin on behalf of Queenstown Lakes District Council, at [4.5].

SUMMARY OF REASONS IN SUPPORT OF CHANGES

16. Pounamu considers that the changes proposed by Ms Bowbyes in response to its submission, are consistent with the s.32 tests and will ensure that the plan gives effect to the relevant higher order planning documents⁵ and the sustainable management purpose of the Act. The detailed reasons for this are set out in the planning evidence of Ms Bowbyes and Mr Freeman, and the economic evidence of Mr Colegrave. In particular, Pounamu considers that the proposed changes:
- (a) reflect the long-established commercial use of the Mrs Woolley's site;
 - (b) provide certainty to plan users as to the type of development anticipated on the site;
 - (c) enable a more efficient and integrated approach to be taken in developing the Mrs Woolly's site;⁶
 - (d) provide the Council with sufficient discretion to appropriately manage and mitigate the effects of any development on the site;⁷
 - (e) enable appropriate development of Glenorchy with the social, employment and economic benefits such developments provide.⁸

CONCLUSION

17. The Headwaters is a key development project for the Glenorchy community. It has already realised significant benefits for the community. Adopting the changes sought by Pounamu which are supported by Ms Bowbyes, will ensure that the significant economic and social benefits that come from further development are able to be realised, the vibrancy and resilience of the community is strengthened, any adverse effects are appropriately managed, and ultimately, the sustainable management purpose of the Act will be met. Pounamu commends these changes to the Commissioners.

⁵ Refer s.75(3).

⁶ Evidence of Scott Freeman, 24 April 2020, at [8.6].

⁷ Evidence of Scott Freeman, 24 April 2020, at [10.20].

⁸ Evidence of Fraser Colegrave, 29 May 2020, at [9].

DATE: July 2020

A handwritten signature in black ink, appearing to read "M Holm" followed by a flourish and a period.

Mike Holm / Vicki Morrison-Shaw
Counsel for the Applicant
Pounamu Holdings 2014 Limited