

## 18. LAKE HĀWEA CAMPGROUND AND GLEN DENE STATION, STATE HIGHWAY 6, HĀWEA

### 18.1 Glen Dene Limited and Sarah Burdon - Submission 2407

298. There has been a somewhat complex submission history regarding the Lake Hāwea Holiday Park, and adjoining areas within Glen Dene Station, which we will not fully detail here<sup>518</sup>. The land subject to this submission shown on Figure 2-10 below.



**Figure 2-10** Aerial Photograph showing Lot 1 DP 418972 – the northernmost site outlined in yellow, which is subject to the submission

299. Land located to the north of the Lake Hāwea Holiday Park had been zoned on the Stage 2 Proposed District Plan planning maps as Community Purposes Sub Zone (Camping Grounds). The Council subsequently determined that this was an error and withdrew the land from Stage 2 by way of decision dated 8 February 2018, with the zoning of the land reverting to its Stage 1 Rural Zone<sup>519</sup>. In their submission on Stage 2 of the PDP, Glen Dene Limited and Sarah Burdon supported the Community Purpose – Campground Subzone over this land. On the basis that the Council had specifically withdrawn the land from the Stage 2 planning maps, the Council considered that there was no longer scope for consideration of this submission and sought to strike it out, on the grounds that it was not “on” Stage 2 of the PDP.

300. The Council’s request to strike out this submission was considered by the Panel Chair<sup>520</sup>. He noted that the Council had previously undertaken to “*receive and consider submissions in*

<sup>518</sup> Refer to Opening Representations / Legal Submissions for the Council, Stream 15, 31 August 2018

<sup>519</sup> The Council resolved that the Council – “3. Authorises, pursuant to Clause 8D of the First Schedule to the RMA, the withdrawal of the following provisions of the Proposed District Plan: a. The proposed Community Purpose Sub Zone (Camping Grounds) from the land legally described as Lot 1 DP 418972 and Part of Section 1 SO 24546, located to the north of the Lake Hāwea Holiday Park; 4. Note that as a result of the withdrawal described in (c)(i) the proposed zone for the land will revert to Rural Zone, being the zone that applied to the land at Stage 1 of the District Plan review.”

<sup>520</sup> Second Decision relating to Submissions not “on” the PDP, dated 2 August 2018, paragraphs 4-6

Stage 2, that ask for the Visitor Accommodation (Sub-Zone) to be applied over land that has not otherwise been notified in Stage 2 with the Visitor Accommodation Sub-Zone". He determined that the relevant part of the submission, relating to Lot 1 DP 418978 (Lot 1), contained "relief that provides scope for some form of visitor accommodation sub-zone". As a result, there is scope before this Panel is to consider this submission, but the scope is limited to whether or not a VASZ should be applied to Lot 1. We comment further on this matter below, when we consider the scope of the evidence from Mr Duncan White. Ms Devlin evaluated the request for a VASZ over Lot 1 in Section 4 of her Supplementary statement of evidence (dated 10 August 2018), recommending that the request be rejected.

301. Lot 1 is located to the north of the Lake Hāwea Holiday Park, adjoining the edge of the lake, on land which is part of Glen Dene Station. Glen Dene Limited<sup>521</sup> leases the Council-owned land at the Lake Hāwea Holiday Park, owns the facilities and operates the holiday park. Lot 1 is separated from the holiday park by land managed by Contact Energy as part of its operation of Lake Hāwea as a storage lake. Access to Lot 1 is from the campground, via an internal road through the station and Contact Energy land. Lot 1 is zoned Rural on the Decisions Version of the Stage 1 PDP Planning Maps. It is not subject to Designation 175 (Hāwea Motor Camp) which lies over the motor camp land owned by the Council. The PDP maps identify Lot 1 as being within an Outstanding Natural Landscape (ONL).
302. Visitor accommodation (VA) in the Rural Zone is listed as a discretionary activity in Rule 24.4.19<sup>522</sup>. Objectives and policies for the Rural Zone relevant to visitor accommodation were provided to us by Ms Bowbyes<sup>523</sup> in response to the Panel's questions regarding the approach to managing RVA and homestays in the Rural Zone. Neither Stage 1 or Stage 2 of the PDP, nor the notified visitor accommodation variation, include provision for VASZ within the Rural Zone. There were no VASZ in the Rural Zone identified on the notified Stage 2 PDP Planning Maps, and neither does the variation include Rural Zone objectives, policies or rules for managing activities within VASZ.
303. Both Ms Bowbyes and Ms Devlin considered whether or not a VASZ should be included as a method in rural zones. Ms Bowbyes considered this in relation to the Rural Residential and Rural Lifestyle Zones<sup>524</sup>. She stated that the implications of introducing a framework of objectives, policies and rules for VASZ into a zone, where they are not otherwise provided for, could have a far-reaching effect, beyond the implications for the submitter's particular land. She considered a submission requesting such provisions would need to consider the wider implications, as well as considering the approach in the context of wider zone objectives, policies and rules. She recommended that a request for a VASZ in those zones be rejected, with VA being able to be considered as a discretionary activity.
304. Ms Devlin<sup>525</sup> drew the Panel's attention to paragraphs of a Minute issued by the Panel in May 2017<sup>526</sup>, which considered the question of whether a submitter could seek the application of a zone which was not one of the notified Stage 1 PDP zones. We have set out the relevant parts of this Minute below. We agree with Ms Devlin that the approach set out in these

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<sup>521</sup> R Burdon, EiC, paragraph 1.1

<sup>522</sup> Decisions Version of the Stage 1 PDP

<sup>523</sup> Memorandum of Counsel for Queenstown Lakes District Council providing expert witness responses to issues raised during the hearing, Hearing Stream 15 – Visitor Accommodation, 14 September 2018, section 6

<sup>524</sup> A Bowbyes, EiC, paragraph 11.65

<sup>525</sup> R Devlin, EiC, paragraph 4.13

<sup>526</sup> Minute concerning Submissions seeking Rezoning to an ODP Zone, 27 May 2018

paragraphs is relevant to any submission seeking the introduction of a new zone or sub-zone, such as the introduction of a VASZ into a zone where is not anticipated by the notified variation:

- 4 *... if a submitter seeks to zone the land using a set of provisions that are not one of the Stage 1 zones, that submitter would need to show how those provisions fit within the overall strategic directions chapters of the PDP. If the provisions do not give effect to and implement the strategic directions chapters, it would likely be difficult to conclude that they were the most appropriate way to achieve the objectives in those chapters.*
5. *Where a submitter has chosen to identify an ODP zoning, such as the Rural Visitor Zone, as the set of provisions as being appropriate, that test of giving effect to and implementing the strategic directions chapters remains relevant. In addition, there are two matters that submitters need to consider in seeking the implementation of an ODP zone. First, .... Second, the Hearing Panel would need to understand the entire objective, policy and rule framework proposed so the Panel can understand what actual and potential effects on the environment the rezoning would have and whether that was consistent with the overall objectives and policies of the PDP. ....*
6. *This approach means that is open to submitters to seek to apply a zone that is not in those presently part of Stage 1 of the PDP, but they must provide a solution that fits within the PDP.*

305. Ms Devlin considered<sup>527</sup> the appropriateness of a VASZ in terms of the strategic directions of the PDP. She referred to Strategic Policy 3.3.1 which enables provision for the visitor industry within the Queenstown and Wanaka town centres and other urban areas and settlements. It was her opinion that this does not enable VASZ within the rural zones. Outside urban areas, Ms Devlin identified the policy direction in Strategic Policy 3.3.21, which recognises that tourism related activities seeking to locate in Rural Zones may be appropriate where these activities enhance the appreciation of landscapes, and on the basis that they would protect, maintain or enhance landscape quality, character and visual amenity values. She also referred to the strategic direction of the PDP in regard to ONL's (given the ONL location of Lot 1). This requires the landscape and visual amenity values and natural character of ONLs to be protected from adverse effects of use and development that are more than minor and/or not temporary in duration. In the absence of any particular policy framework for VASZs in the Rural Zone, and with reference to this strategic direction, Ms Devlin concluded that including a VASZ in a Rural Zone would be inconsistent with the objectives and policies of the PDP<sup>528</sup>.

306. Ms Devlin noted<sup>529</sup> that all notified VASZ are included within urban residential zones, which provide for VA as a restricted discretionary activity within a VASZ, with listed matters of discretion. It was her opinion that the VASZ provisions are intended for urban residential zones, with the matters of discretion having greater relevance to urban environments, where noise and other potential adverse effects on neighbours can arise. Although Lot 1 is reasonably close to the urban environment of Hāwea, Ms Devlin considered that many of the matters of discretion would be of limited relevance to a rural location.

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<sup>527</sup> R Devlin, Supplementary evidence, paragraphs 3.12-3.15 in relation to a submission from Teece Irrevocable Trust No. 3 (Submission 2599); and paragraphs 4.3-4.5 & 4.11 in relation to the Glen Dene site (Lot 1). Ms Devlin states that the same reasons apply to both sites.

<sup>528</sup> R Devlin, Supplementary evidence, paragraphs 3.15 & 4.3 & 4.10

<sup>529</sup> R Devlin, Supplementary evidence, paragraphs 3.5-3.6 & 4.6-4.7

307. Ms Devlin referred<sup>530</sup> to the submitter's wishes to provide additional VA facilities on Lot 1, so as to improve the operational viability of the campground and extend the camp season beyond the summer period. In her opinion, this is a situation where a resource consent could be applied for and assessed on its merits as a discretionary activity. She considered<sup>531</sup> that VA on Lot 1 should remain as a discretionary activity, in accordance with the Rural Chapter, as the most appropriate outcome for achieving consistency with the PDP's strategic objectives and policies.
308. Legal submissions were presented to us on behalf of Glen Dene Limited and Sarah Burdon by Mr Graeme Todd. Evidence was presented by Mrs Sarah Burdon and Mr Richard Burdon, and planning evidence by Mr Duncan White.
309. Mr Todd's legal submissions focussed on the submitter's request to rezone the land north of the campground, owned by the submitter, to Community Purpose - Camping Ground Zone. He also referred to the land owned by the submitter, that adjoins their leased Council-owned land, and which has been run as one campground operation for many years (we understand this to be Lot 2 DP 418978 (Lot 2)). As a result of the submission history we have outlined above, neither of these matters were now before this Panel, and we were not able to draw a great deal of assistance from Mr Todd's legal submissions.
310. Mrs Burdon described<sup>532</sup> the history, the lease and current operation of the Lake Hāwea Holiday Park. Recent years have seen considerable ("exponential") growth in demand for their facilities and accommodation, necessitating resource consent applications for the additional development, with associated costs and delays. Mrs Burdon stated<sup>533</sup> the demand warrants further accommodation to be provided at the Holiday Park, as well as more facilities, service buildings, staff accommodation, etc. However, she considered that the current consenting process is not feasible for future development. With respect to the wider land owned by the Burdon family, adjoining the leased area, Mrs Burdon indicated<sup>534</sup> that they would like to use this land to provide wider offerings to their guests and extend their experiences further. She referred to "glamping" tents and associated facilities, self-contained cottages, "group" recreation rooms / dining rooms. In her opinion, the area can easily absorb more buildings, with room to grow and extend the accommodation options provided to visitors. She stated that further development and year-round operation are needed if the Holiday Park is to be sustainable in the future. In relation to Lot 1, she stated that they would prefer the Community Purpose - Camping Ground Zone, as for the core areas of the Holiday Park.
311. The evidence from Mr Richard Burdon supported<sup>535</sup> the matters raised by Mrs Burdon and summarised above. Mr Burdon was able to confirm the location of Lot 1, as this was not fully clear to us from our site visit. We now understand that it lies partly on the lake side of, and partly to the north of, the flat grassed area to the north of the main campground, which is a lake overflow area in case of very high lake levels. We acknowledge Mr Burdon's concerns regarding the staged nature of the PDP process and how this makes it difficult for landowners affected by multiple stages and chapters of the PDP. We appreciate this can be challenging for landowners, who have limited time to participate in complex proceedings such as these. However, this Panel is only able to address those aspects of the submissions legitimately

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<sup>530</sup> R Devlin, Supplementary evidence, paragraphs 4.8-4.9

<sup>531</sup> R Devlin, Supplementary evidence, paragraph 4.11

<sup>532</sup> S Burdon, EiC, Sections 3-5

<sup>533</sup> S Burdon, EiC, Sections 6-7

<sup>534</sup> S Burdon, EiC, Section 8

<sup>535</sup> R Burdon, EiC, Section 2

before it. Although both Mr and Mrs Burdon expressed a desire to have Community Purpose - Camping Ground Zone over all parts of the Holiday Park land (including Lot 1), its application to Lot 1 is not covered by the aspect of the Glen Dene submission that is before this Panel and addressed in this Report.

312. Before we consider Mr White's evidence, we need to consider the legal submissions received on behalf of the Council which state that Mr White's evidence on the Community Purpose - Camping Ground Zone for Lot 1 is not within the scope of matters allowed by the Second Decision of 2 August 2018<sup>536</sup>, as it goes beyond "*some form of visitor accommodation sub-zone*". Mr White responded to the Council's position in his written summary of evidence at the hearing. It was his view that the wording of the Second Decision ("*some form of visitor accommodation sub-zone*") could equally apply to a Community Purpose - Camping Ground Zone. He proceeded with his evidence on the basis that it was within scope. Having considered the Council's legal submissions and Mr White's response, and reviewed the Second Decision of 2 August 2018, we agree with the Council that consideration of a Community Purpose - Camping Ground Zone for Lot 1 (and any evidence relating to this) is not within scope for this Panel. However, to the extent relevant, we have considered Mr White's evidence when evaluating the appropriateness of a VASZ over Lot 1.
313. As his evidence focussed primarily on supporting a Community Purpose - Camping Ground Zone for Lot 1, we were not able to derive a great deal of assistance from Mr White's evidence. In relation to a VASZ over Lot 1, Mr White agreed with Ms Devlin that this sub-zoning would not be appropriate for the site. Rather than continue to consider an obviously unsuitable VASZ for the site as part of Stage 2 of the PDP process, Mr White suggested it may be preferable to roll consideration of the submission over to Stage 3 (when Mr White anticipated a more appropriate Rural Visitor Zone may be notified).
314. Having considered the evidence of Mr White (in relation to the VASZ), the evidence of Mr and Mrs Burdon and the information they provided at the hearing, we do not find we have any basis to recommend accepting a VASZ over Lot 1.
315. The submitter has not shown how introducing VASZ provisions to a Rural Zone would fit within the overall strategic directions' chapters of the PDP. We do not have sufficient information for us to understand what actual and potential effects on the environment the rezoning would have and whether that was consistent with the overall objectives and policies of the PDP. We have little or no information regarding the potential site-specific effects of introducing a VASZ over the Lot 1 land, how they would be managed, and their consistency or otherwise with the strategic directions and Rural objectives and policies of the PDP. Mr White's planning evidence has specifically agreed with Ms Devlin that a VASZ would be obviously unsuitable for the site.
316. On that basis, we consider that applying a VASZ over this site would not be consistent with the principles and tests we have previously outlined and would not be the most appropriate way of achieving the objectives and policies of the PDP. We recommend that this aspect of the submission from Glen Dene Limited and Sarah Burdon be rejected.

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<sup>536</sup> Second Decision relating to Submissions not "on" the PDP, dated 2 August 2018