

BEFORE THE QUEENSTOWN-LAKES DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hearing Stream 13 – Queenstown
Mapping

GIBBSTON VALLEY STATION
Submitter (#827)

**SUBMISSIONS ON BEHALF OF GIBBSTON VALLEY STATION
LIMITED (SUBMITTER #827)**

Dated this 19th day of July 2017

Filed by:
Michael E Parker
Parker | Cowan
Lawyers
PO Box 1052
Queenstown 9348
Phone: (03) 442 6337
Fax: (03) 442 6338
michael@parkercowan.co.nz

MAY IT PLEASE THE PANEL:**Introduction**

- [1] Gibbston Valley Station Limited (GVS) has made a submission #827 on the Proposed Queenstown Lakes District Plan (PDP) whereby it seeks rezoning of part of its land which is located adjacent to the Gibbston Highway (SH6) on its North and South sides, the zoning to provide for a range of uses, including viticulture, horticulture, residential, commercial, commercial recreation, and visitor accommodation.
- [2] Hitherto the site has been part of the Gibbston Character Zone in the operative QLDC District Plan, now Chapter 23 in the PDP, and shown in Planning Maps 13 and 15 of the PDP.
- [3] GVS applied for and obtained in 2008 a resource consent RM080864 (“the 2008 consent”) which granted approval for the establishment of “*a resort development and commercial centre, including golf course, visitor accommodation, residential units, health spa, wine tasting and sales, café and artisans’ workshops*”. It is the development that was approved in that (and another associated significant consent for a lodge and cottages adjacent to the Gibbston Vinery, RM040101 and RM110747, amended by RM170012) resource consent that is sought to be enhanced in planning terms by the submission now before the Panel.
- [4] The legal description of GVS is comprehensively described in the section 32 evaluation in support of this submission comprising Appendix 3 to the evidence of Mr Brett Giddens¹; and the station itself comprises a 456.22ha (1127 acres) station of vineyards, improved, top-dressed and cultivated pasture on the Gibbston Valley floor, and unimproved pasture on the hill slopes, depending on gradient, aspect and accessibility. The proposed sub-zone is 122.32ha in area.

¹ 12 June 2017

- [5] The configuration of the site is best seen in Appendix A, Sheet 2 which is part of the evidence of Ms Nikki Smetham, landscape architect² who provided evidence for GVS. That plan has been updated as a result of the exchange of evidence process during leading up to this hearing, and is attached herewith.
- [6] The conceptual underpinning for the submission of GVS is contained in the evidence of Mr Greg Hunt who is not only the CEO (and one of two directors) of GVS, but also has long experience as a landscape architect both in New Zealand and prior to that in the United States; and even more pertinently, he has been involved in significant planning/development projects in the Queenstown-Lakes District since 1993, of which the highlights are Millbrook Resort, Arrowtown, a number of highly successful developments in and around Wanaka for Infinity Investment Group (such as Sunrise Bay, Far Horizon, Lakeside Apartments, Riverside Village, development of Hillend Station, Peninsula Bay), as well as involvement in the more broadly based tourism organization Destination Queenstown, promoting tourism opportunities for the District.
- [7] It is also important to recognise the continuity brought to GVS by Mr Hunt given that he was instrumental in achieving the 2008 resource consent RM080864 (and RM110747) as referred to in paragraph [10] below.
- [8] Through the 2008 resource consent, a comprehensive approach for GVS to create a vintner's village, spa facility, workshop area, workers' accommodation, visitor accommodation and private residences was achieved. Those elements were based in and around a landscaped setting of vineyards, native plantings, golf course, and areas that had archeological and historical importance, as well as obvious ecological significance.

² Statement of Evidence of Nikki Smetham dated 12 June 2017, Appendix A, and for intra-station areas the designations in the second of those annexures (Structure Plan) is the most useful

- [9] In addition, GVS had created a partnership with the Queenstown Trails Trust which permitted a significant part of the extensive trails network of that Trust to be located on GVS, enabling the network to reach as far as the end of Gibbston Valley (almost to the Nevis Bluff), with potential for the proposed future trail through the Kawarau Gorge.
- [10] It needs to be said that the level of consultation undertaken by GVS for the 2008 consent created a climate of transparency of information for the immediate and wider community about the then proposal which resulted in significant community support with little substantive opposition³.
- [11] The 2008 resource consent was given a 15-year lapse period that recognised the need for a staged implementation for a project of this scale, and the wisdom of such a lengthy lapse period has been vindicated by the change in circumstances on a global basis that occurred very shortly after the 2008 consent was granted.⁴
- [12] The change in circumstances brought about by the Global Financial Crisis from 2008 onwards as well as the impact of continued and growing interest in GVS and its very well positioned vineyard products has stimulated a review of the 2008 consent proposal by GVS in line with the process being conducted by QLDC and this Panel. Essentially, GVS has posed the question to itself as to what is suitable for implementation now under the 2008 consent and how that can be accommodated within the parameters of the proposed District Plan and the Resource Management Act's requirements.
- [13] GVS through Mr Hunt has articulated this in paragraph 4.3 of his evidence where he says:

“4.3 This process allowed us to review the resort and re-valuate it based on our desire to create an integrated development within a framework that would allow the ability to craft the specific areas that

³ See paragraphs 3.9-3.14 of the evidence of Mr G W Hunt

⁴ Paragraphs 3.4-3.8 of the evidence of Mr G W Hunt

would achieve the outcome we wanted to achieve but gave certainty to the council and the community of the end result. This is very different to a resource consent which in my experience has been a very costly process with a high degree of uncertainty. The process also inevitably requires variations as things change and added pressure arises due to the 5 year timeframe of consents.”

- [14] As a notable aside, Mr Hunt has as part of this submission process continued to consult parties having distinct interests and a stake in the wellbeing of the Gibbston Valley in a similar way to the consultation that he undertook for the 2008 consent. The effectiveness of that is demonstrated by the complete lack of submissions in opposition to this GVS proposal, and notably nothing from NZTA.
- [15] In his evidence he refers specifically to experience in developing master plans⁵ which is consistent with legal authority on use of zoning and structure plans, of which more later.
- [16] The vision for development of what Mr Hunt has described as the GVS concept⁶, is well explained in his evidence, and is essentially the “*paddock to plate*” philosophy that is intended to not only deal with the marketing aspects of the resort, but requires a physical landscape setting which is consistent with the underlying Gibbston Character Zone. It is that vision that underpins the reassessment that has resulted in this submission.
- [17] As part of this concept, it is of no small significance that it has been appreciated by GVS and its winemaker that GVS land is conducive to cultivation of the Pinot Noir grape (a Gibbston Valley Winery staple) not only for Pinot Noir wine, but that it is also appropriate for growing this grape for Rosé and sparkling wine products (for which there is now a growing demand), and which can be harvested a month earlier than is possible for Pinot Noir wine, which in turn makes the use of GVS land

⁵ Paragraph 4.6 of Mr G W Hunt’s evidence

⁶ Section 5 of the evidence of Mr G W Hunt

more economically viable for viticulture, and in a manner that is consistent with the Gibbston Character Zone.

The planning environment

[18] Mr Brett Giddens has provided planning evidence on behalf of GVS, which the Panel has no doubt had an opportunity to consider. In addition to describing the Existing Environment, Zoning and History of Development,⁷ he describes the consented development under the 2008 resource consent⁸.

Gibbston Character Zone and proposed sub-zone

[19] Importantly, the draft planning provisions put forward by GVS through Mr Giddens' evidence underlines the consistency of the proposed sub-zone with the Gibbston Character Zone:

23.3.2.10 The Gibbston Valley Sub Zone is a subset of the Gibbston Character Zone and all rules applicable to the Gibbston Character Zone apply, unless specifically stated to the contrary.

[20] The planning evidence in support of GVS is supportive of the discretionary regime that applies in the Gibbston Character Zone, and its appropriateness for most types of activity, the discretionary regime allowing for refusal where development is inappropriate (for instance, in relation to landscape matters). Conversely, resource consent can be granted with conditions where development is appropriate, which the discretionary regime suggests is generally acceptable.

[21] However, Mr Giddens expresses the view, which is supportive of that of GVS and Mr Hunt, that the Gibbston Character Zone provisions are not entirely appropriate for integrated development and land use such as that required by GVS.

⁷ Part 5 of the evidence of Mr B J Giddens

⁸ See paragraphs 5.10-5.13 of the evidence of Mr B J Giddens

- [22] It is the submission of GVS and its planning evidence, that rather than a piece by piece approach required by the resource consent approach (and in the case of variation to elements of the 2008 consent), a greater level of certainty for both the community and GVS is appropriate beyond that provided by the provisions of the Gibbston Character Zone.⁹
- [23] Zoning is a well-established technique for managing the effects of development. It is very well developed pursuant to the provisions of the Resource Management Act¹⁰, and is specifically part of the Queenstown-Lakes District Council Operative District Plan¹¹.
- [24] Although QLDC's consultants who have provided evidence to the Panel have opposed GVS's proposed sub-zone, they have not made an in principle objection to the creation of such a sub-zone. This technique is consistent with the Environment Court's decision in *Omokoroa Rate Payers Association Inc v The Western Bay of Plenty District Council & Anor* at [72] where it held, among other things:

“So, as they are neither prescribed nor prohibited, a Territorial Authority is free to adopt structure planning and zoning as methods in its district plan to assist it to carry out its function to achieve the purpose of the Act, and giving effect to the Act in its district... A challenge to their use needs to be focused on whether in the particular context, structure planning or zoning is capable of being effective in doing so.”

- [25] The structure plan tool is useful for larger areas of land, sometimes held in multiple ownership or, as is the case here, in single ownership so that an integrated and orderly mode of development can occur, consistent with achieving sustainable management of physical resources.
- [26] The suite of plans attached to the evidence of Ms Smetham, and in

⁹ See paragraph 6.12-6.14 of the evidence of Mr B J Giddens

¹⁰ *Omokoroa Ratepayers Association Inc v The Western Bay of Plenty District Council & Anor*, Decision A102/2004, 5 August 2004 at paragraphs [60], [65] and [72]

¹¹ See Part 1.4 (Introduction) and Part 5.5 Gibbston Character Zone in the Queenstown-Lakes Operative District Plan

particular the most recent iteration of sheet 2 thereto, allows a clear understanding of the proposed layout, features and character of GVS' sub-zone proposal. Thus, this tool is particularly apt for the proposed sub-zone, and the development of GVS generally because of its scale and the need to manage the complex environmental issues that arise in the Gibbston Valley, and this significant part of the Gibbston Character Zone, as well as an overview of what is necessarily going to be a staged development. It is submitted that the process of producing the structure plan has been robust, and particularly so with this current proposed plan process.

- [27] The evidence from QLDC indicates that there are no significant issues regarding economic, infrastructure, and ecological considerations, but more the concerns centre on planning (from Mr Buxton) and landscape matters (Dr Read).

GVS proposed development scenario before and after exchange of evidence

Proposal in Submission

- [28] To give context to the above proposal, the total area of built form that would be realised from full development of the sub zone will be between no greater than 4.2% (that is, 5.14ha, and only 1.2% of the station), ensuring that overall densities are still very much rural, particularly given the clustering of built form.
- [29] Of importance to GVS and undoubtedly also for QLDC is to maintain the quality and distinctive identity of the landscape, consistent to better achieve the purpose of the Gibbston Character Zone. Accordingly, the proposal has the following landscape controls, namely:
- (a) A contour limit of 380m has been adopted to ensure that development is confined to the lower slopes, being less visible;

- (b) Height controls have been specified for specific activity areas to further contain development and mitigate visibility;
- (c) Density of development has been set to maintain an overall low coverage of built form (5% of the area of the sub-zone), whilst clustering buildings in appropriate locations (the abovementioned Activity Areas), and sensitive landscape locations are not subject to direct view from SH6, and utilization of those which contain productive value.

Refined Submission Proposal pre and post-exchange of evidence

- [30] The collaborative approach of GVS with QLDC has been apparent in relation to this submission well before the exchange of evidence. There were meetings between GVS and QLDC from a very early stage in the process (2015), those contacts being to review and discuss the approach taken by GVS. Thus, refinement of the sub-zone materials has been an iterative one which has continued into the exchange of evidence.
- [31] As a result of the exchange of evidence on this matter and reflection by GVS, and in particular by Mr Hunt, the proposal outlined in the submission 12, it is now reduced to comprise the following:
- (i) AA1 – 50 visitor accommodation units;
 - (ii) AA2 – 100 visitor accommodation units;
 - (iii) AA3 – 50 residential units;
 - (iv) AA5 – 50 residential units;
 - (v) AA6 – 20 residential units; and
- (a) Maintain the area of the Vintners' Village as per the 2008 consent; and

¹² See paragraph 8.12 of the evidence of Mr B J Giddens

(b) Staff accommodation (90 rooms of staff accommodation).

- [32] GVS has aligned these Activity Areas more closely with what was consented in the 2008 resource consent. For example, AA3 previously had 54 visitor accommodation units, and is now to be 50 residential units. There were a further 19 buildings consented for staff accommodation, back of house activities or spa activities. AA5 previously had 49 visitor accommodation units consented and GVS is seeking a modest increase to now be asking for 50. AA6 had 20 visitor accommodation units, now to be 20 residential units. In essence, what is being sought is a change from visitor accommodation to residential activities in areas AA3, AA5, and AA6. In short, the visitor accommodation will now occur in areas AA1 and AA2.
- [33] Importantly, the Vintners' Market is not changing at all. GVS is seeking flexibility in regard to the placement of buildings and use of buildings, but not more coverage nor more buildings in this area. Therefore, in summary the primary overall area that was consented in the 2008 consent from a visual perspective is not changing significantly if at all.

Response to QLDC planning and landscape issues

- [34] Below we seek to summarise the concerns articulated by Mr Buxton and Dr Read, and the manner in which GVS has reflected upon and responded to those matters.

Planning rebuttal issues

- [35] In his evidence at paragraph 5.18, Mr Buxton erroneously refers to the proposal as having an average of 33% site coverage over the sub-zone (apparently based upon his calculation of the area of the sub-zone at 122ha, patently incorrect). That overstates the site coverage by an enormous amount; meaning that his view that the sub-zone will be "*reasonably urbanized*" by virtue of that erroneous site coverage density is wholly misconceived. The actual site coverage is 5% of the sub-zone and Mr Buxton's error significantly undermines his overall negative

policy position.

- [36] *Uncertainty arising from the 10% building coverage requirement across the zone*¹³ - Quite apart from the 500m² maximum building size; and density in the activity areas has now been addressed (see below).
- [37] *Issues with building platform requirement, identification of what is workers' accommodation and alleged limited matters of control (need for daylight, building separation)*¹⁴ - These criticisms are unfounded, and the controls overly onerous, as they ignore that additional consents are still required for land use; a significant examination process to be overcome by applicants relating to QLDC's review of building design and layout.
- [38] *Concern of extensive visitor accommodation in AA1 and AA2 due to lack of controls (although no negative effects are identified)*¹⁵ - This is addressed with the attached density controls referred to below.
- [39] *Concerns with commercial activities in AA1 and AA2*¹⁶ - Mr Giddens has addressed this by adding a rule that provides for "commercial activity ancillary to viticultural and winery activity" to make it clear what type of commercial activity will eventuate, that being related to activities that underpin the zone and sub-zone.
- [40] *Issues regarding traffic concerns - a suggested notification to NZTA of resource consent applications as a zone requirement*¹⁷ - This is addressed in the rules drafted by Mr Giddens for the sub-zone, and we note that NZTA did not oppose the GVS proposal, nor even in a further submission had it chosen to do so. The updated structure plan attached to these submissions shows the approved access points and underpasses.

¹³ See paragraph 5.3 of rebuttal evidence of R B Buxton

¹⁴ See paragraph 5.4 of rebuttal evidence of R B Buxton

¹⁵ See paragraph 5.5 of rebuttal evidence of R B Buxton

¹⁶ See paragraph 5.6 of rebuttal evidence of R B Buxton

¹⁷ See paragraph 5.9-5.10 of rebuttal evidence of R B Buxton

- [41] *Mr Buxton's reference to the 2008 resource consent evidence* – this is inappropriate¹⁸. This current submission process entails examination of the issues at a significantly higher level than the assessment of the evidence for the 2008 consent and ignores that what is being sought here is a new rule/zone framework. Much has changed in the District in planning, landscape and amenity terms since that evidence was produced.
- [42] In connection with this point, of the nearly 300 zone change requests that have been put to QLDC in this process, inevitably there will be varying planning opinions given in the past based on circumstances as they pertained to previous resource consent processes; a prime example of this would be the Fordyce Farm area at Little's Road in the Wakatipu Basin which has been subject to a number of resource consent applications and Environment Court decisions over the past 20 years. But the evidence relating to such previous resource consents, and in particular for the 2008 resource consent is not evidence before this Panel, and Mr Buxton's selective recourse to it is inappropriate and should be ignored. The resource consent itself is properly before the Panel as by its issue in 2008 it became a document with statutory force. Further, recourse to evidence put to a territorial authority's panel in deciding an earlier resource consent does not appear to be an appropriate step required for preparing and publishing an evaluation report under Section 32 for a proposal such as this.
- [43] *An issue regarding the structure plan covering the sub-zone*¹⁹ relating to views from the Kawarau River - the criticism of lack of assessment of effects from the river is misplaced. Such effects can be properly dealt with at resource consent stage. As an ancillary point, the error in the Structure Plan whereby Rural General Zone land was included in the sub-zone has been rectified.

¹⁸ See paragraph 5.11 of rebuttal evidence of R B Buxton

¹⁹ See paragraph 5.13 of rebuttal evidence of R B Buxton

[44] *Reduction of height limits*²⁰ - GVS agrees to consider reverting to the a 5.5m height limit for AA6 if that activity area could remain as proposed, thereby mitigating its effect but any reduction of the activities therein as proposed may reduce effects so that the 7m height limit could be retained; this may be a matter for discussion with the Panel during the hearing.

[45] *Site access*²¹ - this will be clarified as required by Mr Carr's at the hearing as required.

[46] *Uncertainty over density*²² - this is dealt with below and rectified.

Landscape rebuttal issues

[47] Dr Read deals with her rebuttal evidence in regard to GVS at paragraphs 37 to 50 of her rebuttal brief, and GVS believes that it has responded to any residual concerns regarding landscape as is outlined below.

[48] As a preliminary point, GVS wishes to highlight its concern regarding both Dr Read's primary and rebuttal evidence because it appears not to fully comprehend the changes to the landscape that would result from the implementation of the extant 2008 consent²³; and further, her reliance upon Trip Advisor information to respond to Ms Smetham's statement that "*the landscape is currently in a state of change as a range of tourism and recreational activities are gradually replacing traditional farming activities.*" Dr Read's statement that she has seen little alteration in the landscape as a consequence of winery tours and biking is not responsive to the point that Ms Smetham was making about the perceptible diminution in farming activities.

[49] *Activity Areas* - GVS responds to specific matters that Dr Read raised in paragraphs 8.40 to 8.48 regarding activity areas 1-8 in the following paragraphs.

²⁰ See paragraph 5.14 of rebuttal evidence of R B Buxton

²¹ See paragraph 5.15 of rebuttal evidence of R B Buxton

²² See paragraph 5.18 of rebuttal evidence of R B Buxton

²³ Paragraph 8.38 of Dr Read's evidence

- [50] *Agrees that AA1 can absorb further development, but takes issue with reduction of PL (Productive Landscape) planting – GVS clearly responds that the PL areas are not being reduced; indeed, the PL planting is increasing. GVS further states that it has agreed to reduce the AA1 upper boundary level in line with Dr Read’s suggestion to be no higher than the 380m contour²⁴.*
- [51] *In relation to AA2, Dr Read notes that the eastern area would likely be visible from the river surface²⁵ - although she does not base that on any specific observation. The AA2 set back from the edge of the gorge, the 50m difference at least in elevation between the river surface and development area, and confined topography ensures that there will be no development visible from the river surface. Nevertheless, GVS is prepared to reduce the area of AA2 so that it is within the Gibbston Character Zone and not the Rural General Zone²⁶.*
- [52] *AA2 – there is a concern that “any buildings could be constructed in the area”²⁷ – whilst accurate in a general sense, this fails to pay regard to the controls on the buildings which are imposed by the sub-zone rules (see Mr Giddens’ Appendix 3, as further refined for this hearing, as attached), and in any event the use of the buildings will not be perceptible outside the site and therefore it is submitted that there is in actuality no issue about the activity having a landscape effect.*
- [53] *AA2 – Dr Read expresses a concern with car park effects, but there is a resource consent application in relation to which Dr Read does not appear to have been cognisant of. The subject resource consent is being processed by QLDC at present, and site meetings between GVS and QLDC’s landscape architect confirmed that there is no issue with car parking and, indeed, this GVS submission introduces planting that will provide even further mitigatory effect.*

²⁴ Paragraph 8.40 of Dr Read’s evidence

²⁵ Paragraph 8.41 of Dr Read’s evidence

²⁶ Paragraph 8.41 of Dr Read’s evidence

²⁷ Paragraph 8.42 of Dr Read’s evidence

- [54] *AA3 – Dr Read is in favour of the consented position as opposed to the proposed potential development in this area, and expresses a concern with a lack of density control/minimum allotment sizes...*²⁸ – However, this runs counter to her own finding that mitigation from grown vines would be effective, and GVS submits that its proposed density and lot size controls are adequate to respond to this concern. GVS’s intention is very much to avoid any suggestion of the “urban”, and the submission (and its context of the effects of the 2008 resource consent) shows an opposite intent. In this regard, the submission is for a sub-zone that is very much within the character of the Gibbston Character Zone and will enhance its qualities. The intention is for a cluster development within a vineyard setting which responds to the landscape to meet the anticipated outcomes of the Gibbston Character Zone.
- [55] *AA4 – a concern that the increase in size of the Vintners’ Village from 3000m² to 5500m² and that the expansion of potential built form would have an adverse effect on landscape and visual amenity*²⁹ – This appears to be a misunderstanding by QLDC as this increase has not been proposed, and GVS intends to keep the Vintners’ Village at the same size as per the 2008 resource consent.
- [56] *AA5 – Dr Read takes issue with the greater extent of AA5 and the possibility of a further 15 dwellings – Ms Smetham takes a contrary view; it is noted that Dr Read stated that the consented dwellings would be barely noticeable from the state highway, but that the possible further dwellings “would extend the development out from this topographical containment”.* This does not necessarily connote, it is submitted, an increased effect. Any domesticating effect is anticipated by the extant 2008 resource consent. Further, the implicit criticism that vineyards and pasture are generally open to the road in the Gibbston Valley cannot apply for AA5 given the steep escarpment to the north of the state

²⁸ Paragraph 8.43 of Dr Read’s evidence

²⁹ Paragraph 8.44 of Dr Read’s evidence

highway at AA5³⁰, thereby significantly reducing visual effect and any signs of domestication. A certain level of complementary domestication is anticipated in any event in the Gibbston Character Zone, such as the intention to place schist stone walls in places along the state highway to reflect a romantic picturesque character, entirely in keeping with the Gibbston Character Zone.

- [57] *AA6* – On a positive note, Dr Read considers that this area has a moderately high ability to absorb the consented development, which is a gratifying non sequitur; but says that the proposed potential development capacity eclipses this ability and recommends limiting density and reducing building height to 5.5m rather than 7m³¹ – GVS has provided density controls as indicated elsewhere in these submissions and attachments, and agrees to reduce building height to 5.5m.
- [58] *AA7 (Concert site)* – This has since been removed in response to Dr Read’s concern that AA3 could create a sprawl³².
- [59] *AA8 (Workers’ Accommodation area)* – Dr Read recognises that the natural basin at this location contains the effects of such accommodation and GVS notes that matters of location, scale, height and external appearance of buildings will be subject to control by resource consent as per the other activity areas.
- [60] Whilst GVS does not agree with Dr Read’s consideration that the proposed sub-zone provisions are too broad and uncertain, GVS responds to the proposition that activities in each area can be defined by density in the activity areas, rather than the zone as a whole, using clear minimum allotment size rules to avoid fragmentation in the zone overall.

³⁰ Paragraph 8.45 of Dr Read’s evidence

³¹ Paragraph 8.46 of Dr Read’s evidence

³² Paragraph 8.47 of Dr Read’s evidence

Compliance with RMA and Gibbston Character Zone

- [61] It is clear that the whole ethos of GVS is consistent with the Gibbston Character Zone and the further control that would be imposed by the proposed sub-zone which is to recognise the need to promote the integrated management of the diversity of resources, including existing and potential land use activities, whose PDP provisions specifically recognise the primacy for viticultural and affiliated commercial activities in the Gibbston Valley; and also the enabling nature of the zone for such activities that either directly relate to viticulture, but also those activities that are complementary, such as commercial recreation or visitor accommodation. This is consistent with the proposed sub-zone purpose stated in Appendix 3 to Mr Giddens' evidence. The viticultural and horticultural activities proposed by GVS, and associated activities, are wholly consistent with the intention of the Gibbston Character Zone.
- [62] In principle, the required flexibility for avoidance of conflict between activities which are at the interface between rural activities and those associated with tourism and other non-rural productive activities was recognised in the 2008 resource consent, and the proposed sub-zone is a continuation of that process, whilst at the same time putting in place provisions which promote that intention over a significant part of the Gibbston Character Zone which comprises GVS, such overarching control being an intended outcome for the Gibbston and wider Queenstown-Lakes community.
- [63] Further, the sub-zone is entirely consistent, through its provisions as additions to the Gibbston Character Zone, with the 23.2.1 Objective³³ in contemplating the establishment of a range of activities that enable viticulture activities³⁴, including buildings "*allied*" to such productive activity and worker accommodation³⁵, which may include activities in the GVS sub-zone that are related to the viticultural experience for

³³ Chapter 23, PDP, Gibbston Character Zone,

³⁴ Policy 23.2.1.1

³⁵ Policy 23.2.1.4

visitors as well as those working in the that industry³⁶, of which other characterful aspects relating to heritage/archeological resources, and ecological benefits also form a part.

- [64] In this connection, GVS have intentionally retained the objectives and policies for the Gibbston Valley Character Zone, just adding in objectives and policies specific to the intended sub-zone because it is seen as appropriate to recognise those existing provisions as being ineffective at a general level, but that more site specific provisions are appropriate in relation to parts of GVS.
- [65] At a higher legislative level the proposed sub-zone is consistent with Sections 5 to 8 of the Act, particularly in relation to preservation, avoidance, remedy or mitigation of adverse effects on the environment of the proposed activities in the sub-zone (Section 5(2)(c)), whilst protecting the ONL and ONF in the Gibbston Valley, predominantly the surrounding landscape of mountains and the Kawarau River.
- [66] Significantly, it is submitted, this is a unique proposal which is consistent with the efficient use and development of a natural and physical resource which will be preserved whilst enabling activities that are, and have become, the very essence of the Queenstown-Lakes District, namely provision for use of the rural resource (in this case, predominantly viticultural), as well as visitor accommodation, residential and commercial purposes relating to that viticultural activity³⁷. Furthermore, the economic element of the proposal can be advanced by way of further viable (viticulturally and economically) plantings for new wine products (Rosé and sparkling wine).
- [67] This submission is underpinned by the Section 32 analysis of Mr Giddens which comprises Appendix 2 of his primary evidence and which the further refinement of the proposal since that was filed does not diminish that analysis, rather the opposite is true.

³⁶ Policy 23.2.1.8

³⁷ Section 7 of the RMA 1991

[68] A further intangible demonstration of the GVS approach which is of comfort to QLDC and the community regarding preservation of the landscape qualities and visual aspects of what may occur in the sub-zone is the clear statement by Mr Hunt that GVS is willing to ensure that the viticultural planting and other orchard planting envisaged in the structure plan, will be installed and growing prior to any other commercial/residential development occurring³⁸. As he says:

“This is important as such plantings are integral to the underlying philosophy of what GVS really means...”

[69] That philosophy is best expressed in the paragraph proposed by GVS for insertion into 23.1 – Zone Purpose:

“The purpose of the Gibbston Valley Sub Zone is to provide for the development of a resort comprising of a range of visitor, residential, winery, recreation, and viticulture/horticulture activities. Development controls are imposed in the sub zone to maintain the overall scenic and environmental qualities of the Gibbston valley. To achieve this, integrated planning in accordance with a Structure Plan is required.”

Clarification matter

[70] The Panel may recall the memorandum filed on behalf of GVS dated 30 June 2017 regarding a point arising from the Supplementary Statement of Evidence of Ms Banks³⁹ dated 19 June 2017, and potentially bearing upon our client’s submission. We raise this as we believe it is a point merely to be set aside, but believe we should raise it for complete clarity.

[71] This reference to the Gibbston Character Zone by Ms Banks appears to be an oversight because there was no substantive discussion of Gibbston in any of the evidence in regard to residential/urban activity, and the

³⁸ Paragraph 6.8 of Mr Hunt’s evidence

³⁹ Paragraph 10.20(i)

NPS-UDC⁴⁰ does not appear relevant to Gibbston Valley, Gibbston Character Zone or the GVS sub-zone.

Dated at Queenstown this 19th day of July 2017



A handwritten signature in black ink, appearing to read 'M. E. Parker', is written over a horizontal line.

Michael E Parker
Counsel for Gibbston Valley Station Limited

⁴⁰ National policy statement on Urban Development Capacity 2016