

13 October 2016

The Chairman  
Queenstown Lakes District Council PDP Hearing Panel  
**Queenstown**

Dear Sir

**Bendemeer Special Zone: waiver of time for further submission**

1. I write on behalf of the Bendemeer Residents Group (**BRG** or **Group**) to apply for a waiver to lodge a further submission out of time.
2. The BRG is comprised of landowners within the Bendemeer Special Zone. The names of the owners and their lot numbers are set out in Appendix 1.
3. The Bendemeer Special Zone is immediately west of land currently zoned Rural General, owned by Hogan Gully Farms Limited (**HGFL**). Both areas of land are located near Arrowtown (see attached Plan A). The common boundary between the Bendemeer Special Zone and HGFL's land is some 2km in length, and the BRG includes the 10 landowners who share that common boundary with HGFL.
4. The Bendemeer Special Zone is subdivided into 37 residential lots with approved building platforms. The sites owned by the BRG include approved building platforms within close proximity to the common boundary with the HGFL land, the nearest being within 10m, and most being within 40m.
5. The Group has recently become aware of a submission made on behalf of HGFL (#456) which seeks a rezoning of HGFL land for either:
  - (a) Pockets of rural Residential zoning; or
  - (b) A Resort zoning allowing for the establishment of a golf course and clusters of residential housing.
6. The Group was not aware of the details of the HGFL submission until well after the period for further submissions had closed (18 December 2015). Having become aware of the rezoning proposals of HGFL – through media and other informal reports – the Group has sought professional planning advice on the potential implications and impacts of HGFL's proposals.

7. This advice indicates there would be significant adverse effects on the amenity, outlook, and overall enjoyment of the land within the Bendemeer Special Zone. The scale and nature of these adverse effects varies depending on the position of the BRG owners' respective residential lots. The most seriously affected will be some ten owners located closest to the boundary with the HGFL land and/or where proposed pockets of relatively intensive housing would be closest (see attached Plans B and C).
8. In addition, there are some 27 other lots not on the boundary with the HGFL land which would still be adversely affected in varying ways or degrees – particularly amenity impacts.
9. The Group is not necessarily opposed to a properly planned and well-designed golf course on the HGFL land – or even well-planned and sensibly located residences. However, unless it is able to lodge a further submission under a waiver of the time limit, the Group will have no opportunity to have any input on the re-zoning proposal, despite the significant impact the proposal may have on the Group.
10. It is accepted that the BRG should have detected HGFL's submission from the public notification processes, yet the position is not as straightforward as it may appear. The Group was focussed on the PDP in relation to the existing Bendemeer Special Zone, and as I understand it, Special Zones are to be considered by the Hearings Panel in the second phase of the Plan process commencing sometime in late 2017 – or possibly later. Further, the Group was relying on an adviser who it now appears may not have been acting in the Group's best interests.
11. Also, given the scale of the HGFL proposals, it would not have been unreasonable for the BRG to have expected timely and relevant consultation, advice, or notice of HGFL's rezoning proposals from the owners of HGFL, or their advisers or representatives.
12. The BRG's interest can now be preserved only if a waiver is granted to enable it to lodge a further submission on HGFL's submission. The only person who might be directly affected by such waiver would be HGFL itself, yet HGFL would have ample opportunity and time to consider and respond to the content of any further submission from the Group given the indicative hearing timetable.
13. On the basis set out above, I submit it is obvious that the Group has an interest in this matter that is greater than the general public, and there is clear potential for the decisions on HGFL's submission to directly affect the Group's interests. The hearing process would be well served by allowing the BRG to file a further submission pursuant to a waiver, as that would enable the landowners most obviously affected by HGFL's proposal to be heard, leading to better informed decision-making and ultimately better environmental outcomes. It is in the interests of the community in achieving adequate assessment of HGFL's rezoning proposal that the Hearings Panel should at least hear from those most directly and specifically affected.
14. Accordingly, I respectfully request that the Hearings Panel exercise its discretion under section 37 of the Resource Management Act 1991 to grant a waiver and accept a late further submission from the BRG in response to the HGFL submission #456.

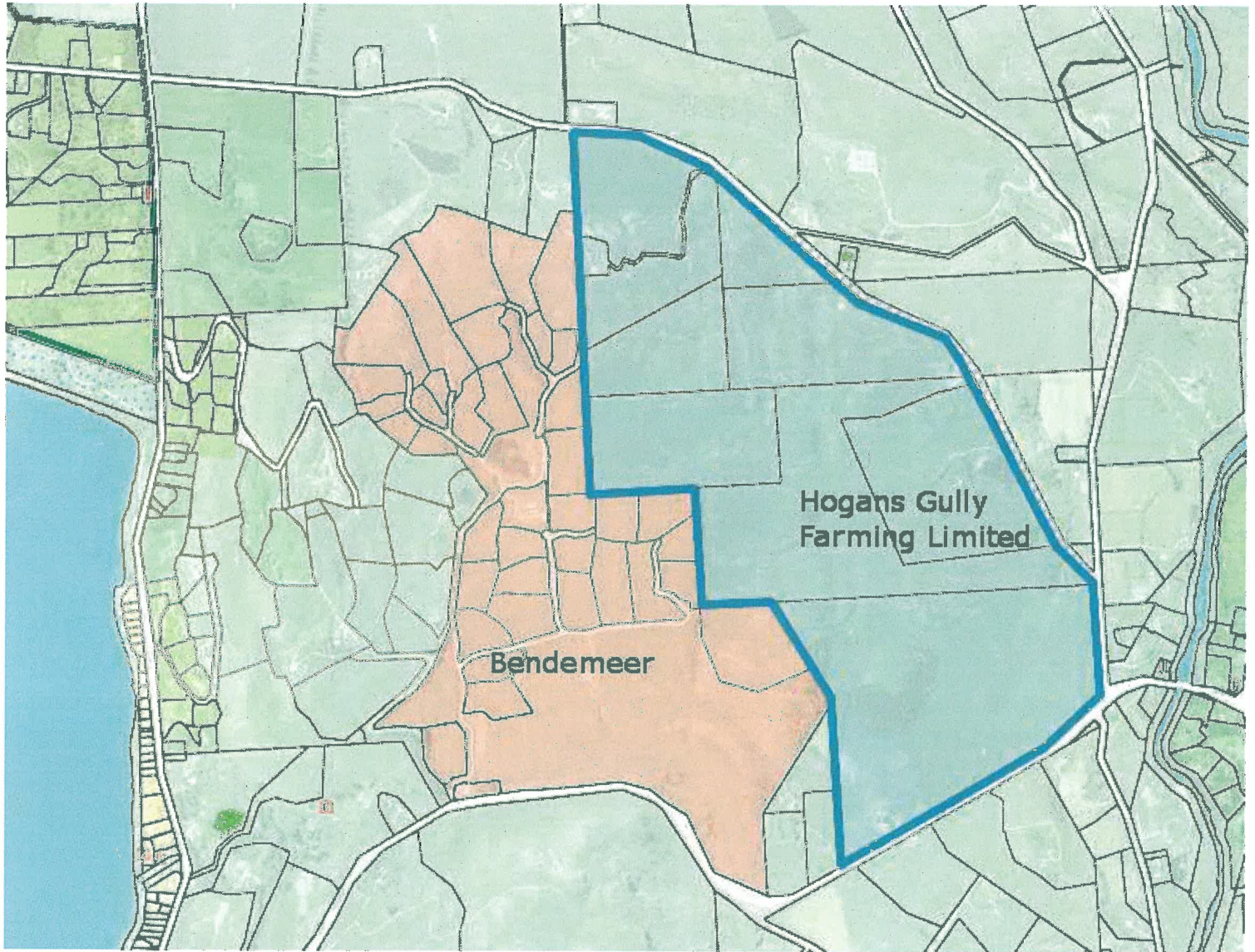
15. A copy of the proposed further submission is attached. If a waiver is granted a copy will be served on HGFL.

Yours sincerely



**Morgan Slyfield**  
Barrister

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**Further submission in opposition to a submission on publicly notified proposed plan  
Under Clause 8 of Schedule 1, Resource Management Act 1991**

**To:** Queenstown Lakes District Council

**Person making further submission:** Bendemeer Residents Group (BRG)

**This is a further submission in opposition to submission #456 by Hogan's Gully Farming Limited (HGFL) to the Proposed District Plan**

The BRG is comprised of persons who have an interest in the proposal that is greater than the interest the general public has. The BRG owns all of that land that adjoins HGFL's western boundary, for a distance of almost 2km.

The members of the BRG and their relevant lot numbers are set out in Appendix 1 to this submission.

**I oppose the submission of:**

Hogan Gully Farm Limited (Submission #456).

**The particular parts of the submission I oppose are:**

The entire submission, and in particular the re-zoning of land for either Rural Residential or Resort Zone purposes where such re-zoning will have adverse impacts upon the privacy, amenity, outlook, and enjoyment of the adjacent BRG land.

**The reasons for my opposition are:**

The proposed re-zoning of the HGFL land for either Rural Residential or Resort Zone purposes will have significant adverse impacts upon the privacy, amenity, outlook and overall enjoyment of the BRG land.

In both instances the plans attached to the HGFL submission indicate residential activity areas close to, and in some cases adjoining, the boundary of the Bendemeer Special Zone. The proposed golf course layout also results in tee blocks, fairways and greens close to the Bendemeer Special Zone boundary. In addition the BRG remains concerned as to how those part of the HGFL land not included in development areas will be managed into the future, including boundary treatment.

The landscape analysis that supports the re-zoning is flawed because it has no regard to the effect upon the BRG land.

The Section 32 assessment that supports the re-zoning fails to recognise the proximity of the Bendemeer Special Zone and the effects that the proposed re-zoning will have upon the development that has already occurred and that may still occur (as of right or pursuant to existing consents) within the Bendemeer Special Zone.

The HGFL submission is contrary to the purpose and principles of the Act, and in particular the outcomes sought are contrary to Sections 5, 7(b), 7(c), 7(f) and 7(g) of the Act.

**I seek that the HGFL submission be disallowed as follows:**

That the proposed Rural Residential zone be amended so that any zoning of land that enables residential activity or any other buildings and/or associated urban infrastructure (including, but not limited to roads, pump stations and mitigation planting) is set back from the common boundary with the Bendemeer Special zone and/or subject to such other controls (including density controls, siting controls or controls over building height or bulk) as may be necessary to avoid privacy, outlook or amenity effects on the Bendemeer Special zone;

And

That the proposed Resort Zone be amended so that any zoning of land that enables residential or visitor accommodation activity and/or any other associated building and infrastructure or that enables golf activity and/or any associated building and infrastructure (including but not limited to tee blocks, fairways, rough areas, cart paths and greens) is set back from the common boundary with the Bendemeer Special zone and/or subject to such other controls (including density controls, siting controls or controls over building height or bulk) as may be necessary to avoid privacy, outlook or amenity effects on the Bendemeer Special zone;

And/or

Such other amendments to the proposed re-zoning as may be necessary to avoid the privacy, outlook and amenity effects on the Bendemeer Special zone described above.

**I wish to be heard in support of my further submission.**



M J Slyfield  
Counsel for Bendemeer Residents Group

13 October 2016

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## Appendix 1

### Bendemeer Residents Group names and lot numbers

<b>Lot #</b>	<b>Residents</b>
6	William Bailey and Michael Harris
9	Mark Simpson (family)
14	Luise Lockwood
15	Nicoll Thomsom
16	Markus and Jan Haliday
17	Callum Rhodes
18	Geof Harp (family)
19	Adigail Cane, Brendon Cane
20	Tim Oaks, Tania Oaks, David Wilson
21	Alistair Jeffreys (Mount Farm Funding Ltd))
22	Joh and Diane Bowbyes
23	Sally Levin and Barrie Campbell
24	David Gribble (family)
33	Collin and Lisa Strang, Donald Harvey
42	Tony Clear (family)