

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of all Stage 1 hearings
on the Proposed District
Plan

**MEMORANDUM OF COUNSEL ON BEHALF OF QUEENSTOWN LAKES DISTRICT
COUNCIL REGARDING PANEL'S MINUTE CONCERNING ANNOTATIONS ON
MAPS**

RELEVANT TO HEARING STREAMS 1 - 14

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MAY IT PLEASE THE PANEL:

1. This memorandum is filed on behalf of the Queenstown Lakes District Council (**Council**) in response to a minute issued by the Panel on 12 June 2017, titled 'Minute concerning annotations on maps' (**Minute**).
2. The purpose of the memorandum is to set out how the Council will approach the remainder of the Stage 1 hearings in light of the Panel's views set out in the Minute.
3. This memorandum also touches on:
 - 3.1 the consequences for hearing streams already completed; and
 - 3.2 some consequential implications that arise from the Panel's view that planning map annotations over "**Stages 2-4**" land (i.e. land that is still to be notified as part of a later stage of the plan review)¹ need to be re-notified.
4. In summary and relevant to Hearing Streams 1 – 14, the Minute sets out the Panel's interpretation of the various components of the PDP, as notified, as being:
 - 4.1 Chapters 1 - 6 inclusive, 26 - 28 inclusive, 30, 32 - 37 inclusive apply across all parts of the District covered by the PDP zones notified to date (Panel's emphasis); and
 - 4.2 where the PDP Plan Maps show ODP zone notations, they should be treated as outside Stage 1 of the PDP. Therefore when the Council notifies a PDP zone for such land in Stages 2-4, it should notify all the applicable notations and/or controls for that land (i.e. ONL, ONF, UGB, ANB, OCB) at the same time, as applicable.

Hearing Streams 1 - 14

5. The Council has reservations as to the basis for a number of assertions made in the Panel's minute (including its focus or otherwise on certain parts of the

1 The latest programme from Council indicates the remainder of the plan review will be progressed through three subsequent stages of notification): <http://www.qldc.govt.nz/assets/Uploads/Council-Documents/Committees/Planning-and-Strategy-Committee/21-April-2017/Item-1.-Proposed-District-Plan-Review-Stage-2/1.-Proposed-District-Plan-Review-Stage-2.pdf>

public notice, the notified PDP text and planning maps including that the legend specifies "District Wide Matters", and a lack of attention to the distinction between zone and district wide chapters). Nevertheless, in the interests of progressing the remainder of the review as efficiently as possible, the Council will proceed based on the position outlined in paragraphs 4.1 and 4.2 above, as it relates to Stage 1, and Stages 2-4 land.

6. The Council does not intend to seek a declaration from the Environment Court on the question of the applicability of the notified Strategic² and District Wide³ chapters of the PDP, nor annotations that were notified on the PDP planning maps across Stage 1 land, Stages 2-4 land, or 'Volume B land'.⁴
7. Council therefore accepts that the Panel will not hear submissions or evidence from the Council or submitters in relation to notations on the maps applied to Stages 2-4 land, and Volume B land as part of Hearing Streams 13 and 14.
8. For the purposes of Hearing Stream 13, Queenstown, this (by way of example only) will mean that:
 - 8.1 Council's evidence relating to the Outstanding Natural Landscape lines notified on the PDP Stage 1 planning maps over part of the Remarkables Park Zone and the Quail Rise Zone will not be pursued; and
 - 8.2 Council's evidence relating to Queenstown Airport Corporation's submission point asking for the ANB and OCB lines to be shown on the PDP planning maps, consistent with Plan Change 35 to the ODP, will not be pursued as far as it relates to land not currently notified in Stage 1 (for example, the ANB line as it goes over the Remarkables Park Zone, and the OCB line as it goes over the Industrial A Zone and Frankton Flats Zone).
9. The evidence that falls within this category will not be pursued on the basis that the Panel does not accept any evidence on those same matters, filed on behalf of submitters.

2 PDP Chapters 1, 3-6.

3 PDP Chapters 26 - 28 inclusive, 30, 32 - 37 inclusive.

4 Volume B land, being Frankton Flats B, Northlake Special Zone, Remarkables Park Zone, Ballantyne Road extension, Queenstown Town Centre extension, Peninsula Bay North, and Mount Cardrona Special Zone.

10. Evidence already filed and heard in Hearing Streams 1-13 (including the Upper Clutha rezoning hearing stream) that falls into the same category will also need to be treated in the same manner.

Other consequences for the Panel – earlier Hearing Streams

11. There are other consequences of the Panel's Minute that the Council considers the Panel will need to consider and address, which relate to:

- 11.1 **Category A:** Provisions within notified and reply versions of Stage 1 PDP chapters, that are site specific and apply only to Stages 2-4 land, or Volume B land;
- 11.2 **Category B:** Submissions, evidence and any legal submissions filed on those site specific provisions referred to in paragraph 11.1; and
- 11.3 **Category C:** Submissions, evidence and any legal submissions filed specifically on Plan Map annotations over Stages 2-4 land, or Volume B land.

12. Examples⁵ of the matters listed in paragraph 11 are, the submission points by:

Categories A and B:

- 12.1 238, and 807, seeking (respectively) that the Frankton 'town centre' and the Remarkables Park Zone be recognised in the Strategic Directions objectives (i.e. Reply Objective 3.2.1.2 and policies);
- 12.2 249, seeking that Three Parks Special Zone be recognised in the Strategic Directions objective (i.e. Reply Objective 3.2.1.3 and Policy);
- 12.3 580, seeking that Rule 30.4.4 or restricted discretionary status should not apply to the Hydro Generation Zone;
- 12.4 621, seeking that a new rule be inserted into Chapter 35 (Temporary Activities) to permit Temporary Activities in the Walter Peak Rural Visitor Zone;
- 12.5 621, seeking that noise rules be amended to exclude noise from activities in the Walter Peak Rural Visitor Zone;

5 This is just five examples, not a complete list.

Category C:

- 12.6** 31, 63, 822 seeking that the Kingston Flyer be listed as a protected heritage item (within the Township Zone);
 - 12.7** 426, relating to the protected heritage listing for Kinloch Jetty and Wharf Building (within the Township Zone);
 - 12.8** 383, relating to notified Protected Tree 12 (located in Quail Rise Special Zone); and
 - 12.9** 383, relating to notified Protected Tree 191 (located in Walter Peak Rural Visitor Zone).
- 13.** Council would appreciate confirmation as to how the Panel intends to deal with the evidence it has already heard from Council and submitters that falls into these discrete categories.
- 14.** For the record, Council expects that the Panel will hear and make recommendations on any submissions made by submitters that are of a general nature (for example on the planning framework within a particular chapter, including on any of the general objectives, policies and rules), notwithstanding that the submitter may own or have some interest in Stage 2-4 or Volume B land. Such submitters have every right to submit on the PDP, and in the Council's position that was the correct approach to do so. An example of such a submitter is Transpower NZ Limited and the National Grid, and the objective/policy framework sitting behind protection of that infrastructure. Such submissions and evidence must be distinguished from that listed in paragraph 11.

"Stage 2-4"

- 15.** As a consequence of the Panel's Minute, at the same time as notifying the zone chapters for Stage 2-4 land, the Council will need to re-notify any planning map annotations that relate to a Strategic or District Wide chapter (noting that any final decision as to notification is one to be made by full Council).^{6 / 7}

6 Other annotations may include the UGB, ONL, ONFs, QAANB and QAOCB, a SNA, the National Grid, and Historic Heritage and Protected Tree annotations.

7 Subject to any recommended changes made through Council's s42A and right of replies in Hearing Streams 1-12.

- 16.** A full analysis has not been undertaken at this time but, by way of example only, for Planning Map 31, this would mean the Council will need to consider re-notifying the following:
- 16.1** the ONL, UGB, Protected Tree 12 and Historic Heritage Feature 50, which are all planning map annotations that were notified over the Quail Rise Special Zone in Stage 1;
 - 16.2** Historic Heritage Feature 248, Transmission Line, OCB, and ONL, which are all planning map annotations that were notified over the Shotover Country Special Zone in Stage 1; and
 - 16.3** the Transmission Corridor as notified over the Industrial A Zone in Stage 1.
- 17.** As mentioned above, submissions received in Stage 1 have also sought specific planning map annotations over Stages 2-4 land and the Council through the hearings, have recommended their inclusion in the PDP. This work will need to be considered in Stages 2-4. For example, the Council will look to notify the OCB over the ODP Industrial A Zone and Frankton Flats Zone.

DATED this 30th day of June 2017



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