

Before the Queenstown Lakes District
Council

In the matter of The Resource Management Act 1991

And The Queenstown Lakes District Proposed District Plan Topic 13
Queenstown Mapping – Group 1B (Queenstown Urban
(Frankton and South))

SUMMARY LEGAL SUBMISSIONS FOR

Hansen Family Partnership (#751)
FII Holdings (#847)
Peter and Margaret Arnott, Fernlea Trust (#399)
The Jandel Trust (#717)
Universal Developments Limited (#177)

Dated 15th August 2017

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MAY IT PLEASE THE PANEL

Introduction

- 1 These summary legal submissions are presented on behalf of the group of five landowners identified on the front cover page of these submissions (**Submitters**) in respect of Topic 13 of the Proposed Queenstown Lakes District Plan (**PDP**).
- 2 Joint case on behalf of five unrelated submitters who lodged unrelated submissions relating to different areas of land:
 - (a) Consultation;
 - (b) Variety of objectives;
 - (c) BMU zoning;
 - (d) Compare with Gorge Road BMU Zone.
- 3 Location – big picture.
- 4 Scope - 'clean sheet of paper'.
- 5 Three primary considerations advanced by Council witnesses in opposiiton to full rezoning of the Site, all of which are challenged:
 - (a) ONL boundary, and related landscape considerations;
 - (b) Impacts on SH6 Roundabout;
 - (c) Lack of 'need' for more commercially zoned land.
- 6 ONL and landscape considerations – refer:
 - (a) Excerpts from C180/99 (**Attachment A**);
 - (b) Excerpt from C169/2000 (**Attachment B**)
 - (c) Ms Banks' [annotated] Exhibit 13.1A (**Attachment X**);
 - (d) Hansen Family Partnership 4 lot consent RM 151046 (**Attachment C**) – Note/ Condition 15(c) and Subdivision Plan;
 - (e) Full C180/99 Appendix II;
 - (f) Excerpt from C180/99 Appendix II (**Attachment D**).

- 7 The Submitters' case is that full rezoning of the Site is appropriate, regardless of the ONL boundary outcome.
- 8 Traffic impacts on SH6 Roundabout:
 - (a) Kimberly Banks' position – 1,150 residential units would have 'minimal' effects on SH6 Roundabout;
 - (b) Andy Carr's position - 1,075 residential units would constitute 'negligible risk' to SH6 Roundabout;
 - (c) Will development ever reach Andy Carr's threshold?
 - (d) Critical issue is extent of traffic generation, not the zoning which generates the traffic;
 - (e) Rule 16.5.11.3 fully addresses this issue (refer Legal Submissions paragraph 84 commencing on page 23).
- 9 Alleged lack of 'need' for additional commercial zoning:
 - (a) While 'need' may be a significant factor in favour of zoning, it is not a significant factor (and may not be a factor at all) against zoning;
 - (b) Council's DCM analysis demonstrates well over 30 years' of residential zoning capacity but demonstrates a shortage of commercial zoning capacity after 20 years increasing to 16.1ha shortage in the Wakatipu Area within 30 years (by 2048);
 - (c) Refer Legal Submissions relating to NPSUDC.
- 10 Issue of future internal roading links:
 - (a) Comment on QLDC/NZTA planning for roads;
 - (b) Refer **Attachments E, F and GG**;
 - (c) Refer Submission to 2017 Annual Plan – **Attachment H**;
 - (d) Road design plan – **Attachment Y**;
 - (e) Refer recent announcement regarding Tucker Beach Road/SH6 intersection;
 - (f) Overall comment.

- 11 QAC evidence requesting restrictions outside the OCB:
 - (a) Support Council's position that PC35 addressed this issue;
 - (b) If QAC wanted to revisit PC35 the opportunity was available to do so on an evidentiary basis;
 - (c) Crosswind runway factor.

- 12 Comment on Council's proposed zoning outcome:
 - (a) Traffic impacts of 1150/1075 residential units v proposed 646 residential units (query likelihood at 87 residential units per hectare);
 - (b) Refer certain roading outcome;
 - (c) Effect of roading on Council's recommended ONL;
 - (d) Predicted shortage of commercially zoned land – Refer Ms Banks' Figure 3 (**Attachment I**);
 - (e) Refer **Attachment X** - UGB;
 - (f) Refer likely future consent debate – DPR zoning should seek to prevent that;
 - (g) Refer HIF Application – **Attachment GG**;
 - (h) Comment on equity.

- 13 Comments on Kimberly Banks' recommended provisions, particularly in relation to roading link to Hansen Road.

Note: Correct paragraph 105 on page 28 Legal Submissions.

Dated this 15th day of August 2017



Warwick Goldsmith/Rosie Hill

Counsel for the Submitters