

**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 Hearing Stream 12  
– Upper Clutha  
Mapping

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**MEMORANDUM OF COUNSEL FOR QUEENSTOWN LAKES DISTRICT  
COUNCIL RESPONDING TO MINUTE REGARDING MINOR ISSUES  
ARISING OUT OF HEARING PANEL DELIBERATIONS**

**2 August 2017**

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**MAY IT PLEASE THE PANEL:**

1. This memorandum is filed on behalf of the Queenstown Lakes District Council (**Council**) and responds to the Minute of the Hearing Panel dated 21 July 2017 (**Minute**), which sought clarification on two matters from the Council.

**Willowridge Developments Ltd (249)**

2. The first matter the Panel asked the Council to clarify is as follows:

*The first relates to the submission for Willowridge Developments Limited (Submitter 249) seeking LDR zoning over its land at Lake Hawea Township. In Mr Barr's Section 42A Report (Report 1A), he notes at paragraph 11.27 that Mr Glasner had not assessed the submission on the basis that the Township Zone is not included in Stage 1 of the PDP. The Hearing Panel desires to know whether Mr Glasner would have concerns were the part of the site currently zoned Rural Residential to be zoned LDR (i.e. putting the area of the site currently zoned ODP Township to one side). The Panel infers from Mr Glasner's discussion of the neighbouring Street land that there might well be no infrastructure issues within the matters he has responsibility for that cannot be addressed in the scenario of a partial rezoning, but wishes to confirm whether or not this is the case. It is understood that Ms Banks maintains her position regarding traffic/transport infrastructure capacity with regard to this submission.*

3. The extent of Rural Residential (**RR**) zone land sought to be rezoned to Low Density Residential (**LDR**) zone is 18.4ha. Mr Glasner's advice is set out in the following paragraphs.
4. The site is located on the corner of Cemetery Road and Capell Avenue in Hāwea. The land is bounded by (operative) Township, Rural Residential and Rural General zones. The site is within the water and wastewater scheme boundaries. The nearest water and wastewater mains are located along Cemetery Road. It is estimated rezoning the 18.4ha of RR to LDR could yield 247 additional residential lots.
5. There is no wastewater model for Hāwea. This site is close to the wastewater treatment plant, which is identified for upgrade in the Long Term Plan (**LTP**). It is assumed the LDR development would connect directly to the treatment plant trunk main; this connection and any extensions would be at the developer's cost.

6. The water supply network does not currently reach the boundary of this area. It is anticipated FW2 could be provided with the water extended to the site and within the proposed site at the developer's cost. The water intake itself is identified for upgrade in the LTP.
7. Mr Glasner does not oppose the rezoning to LDR, from an infrastructure perspective, because it is expected this area is able to be serviced with planned upgrades and because all connections would be at the developer's cost. If this area is rezoned, the timeframe of when it could be developed will depend on the related LTP project/s.

### **Planning Map 23**

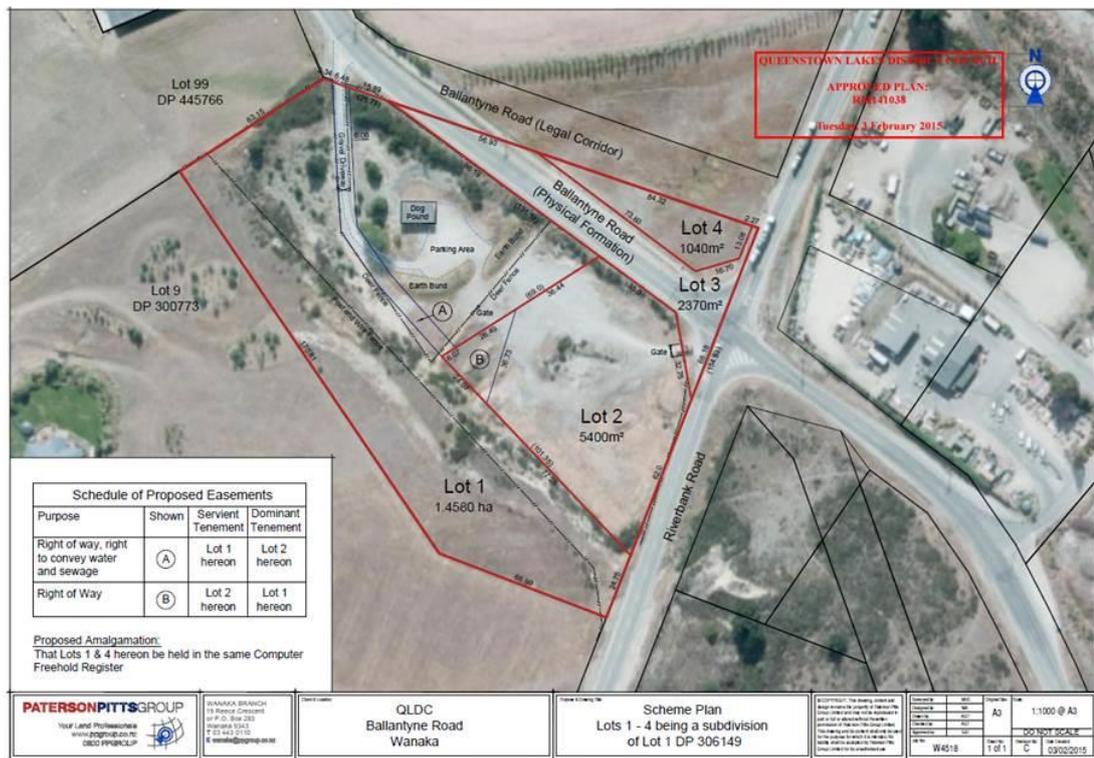
8. The Panel also sought the following clarification:

*...the Hearing Panel has noted that Planning Map 23 does not reflect the road alignment around the intersection of Ballantyne and Riverbank Roads as it appears on the ground. Please advise if this is an error in the planning maps that needs to be corrected, and if so, supply us with an amended version of Map 23.*

9. The Panel is correct in that the road alignment shown on notified Plan Map 23 does not reflect the physical/formed road at the intersection of Ballantyne and Riverbanks Roads. Council agrees that this irregularity should be corrected. The Council has requested an updated Planning Map from its GIS team, which will be provided to the Panel as soon as it is available.

### *Explanation*

10. Consent RM141038, in which the Council was the Applicant, is of relevance. This consent approved in February 2014 is for a 4 lot subdivision, Lot 3 of which was to encompass the formed area of Ballantyne Road. The approved scheme plan from RM141038 is copied below:



11. The planners report explains why Lot 3 was not to be vested:

*.. it is proposed to create a fee simple allotment over Proposed Lot 3 which currently contains the physical Ballantyne Road formation. While the Council would usually require a public access allotment to be vested in the Council as legal road reserve, the decision has been made to retain this land as a fee simple allotment for the time being. The reasons for this departure from the usual approach are as follows:*

- *The land is already in public ownership (owed by the Council). It can be vested in road at a later date at any time through a notice in the Gazette. This distinguishes the situation from others where the land is in private ownership, and Council may never get a chance to legalise the formed alignment of Ballantyne Road.*
- *It is considered better to leave Lot 3 as private land at this time, because roading in the area is under review / subject to change. A Private Plan Change request has been lodged with Council to re-zone land to the direct north of the site into varying land uses (proposed Plan Change 46). This will require a future intersection to be installed and may affect the Ballantyne Road layout. Vesting Lot 3 at this time is therefore considered to be premature.*
- *Enabling Lot 3 to be a fee simple allotment will provide flexibility given this uncertainty to change the roading layout, whereby formal road stopping will not be needed.*
- *As the ownership of Lot 3 will remain with the Council as public land, public access over Lot 3 will be retained. This is one key different between this approach and that of a private development.*

12. In addition, Plan Change 46 Ballantyne Road has since been approved and now forms part of the ODP. No changes to layout of the intersection of Ballantyne and Riverbanks Roads was made or required, as part of that plan change.
  
13. The Council as landowner, has not yet lodged a survey plan for approval under section 223 of the RMA. Although the physical road has not been vested in Council as road at this time, and the 'legal road' has not been formally stopped, Council is the landowner of the formed road and therefore, there is no risk of impediment to public access. It is a separate decision of Council as to whether it undertakes statutory processes to enable Lot 3 to become legal road. Council considers that it would be appropriate for the Panel to include a recommendation that Planning Map 23 be updated using clause 16A of Schedule 1 of the RMA, to reflect the physical/formed location of the physical road.
  
14. An updated planning map will be provided to the Panel as soon as possible, showing this change to the road.

**DATED** this 2<sup>nd</sup> day of August 2017



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S J Scott / C J McCallum  
Counsel for Queenstown Lakes District  
Council