

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes Proposed District Plan

AND

IN THE MATTER of Hearing Submissions Seeking Changes to Planning Maps in **Queenstown and Queenstown Rural**

### **MEMORANDUM OF COUNSEL FOR MIDDLETON FAMILY TRUST (#338)**

1. The Hearing Panel issued a minute dated 28<sup>th</sup> February 2017 which directed that Submission 338 along with 501 be heard in Hearing Stream 13. This direction was based upon:
  - a) Agreement with Counsel for Oasis in the Basin Mr Warwick Goldsmith in terms of the land area of the submission being largely outside the Wakatipu Basin Planning Study, and;
  - b) The expectation that “by the time the submission will be heard Council will have determined whether the recommendations of the Wakatipu Basin Planning Study (WBPS) affect this land and any such response could be incorporated into its recommendations regarding the zoning of the land”.<sup>1</sup>
2. Submission 338 does indeed have an access road which extends from Tuckers Beach to the State Highway opposite Hawthorne Drive and this road traverses land recognised as Outstanding Natural Landscape. However, some 44% of land sought to be re-zoned from Rural General to Low Density Residential and Rural Residential is located within the area of the WBPS. The boundary of the WBPS is depicted in light blue on the plan contained in Attachment A to this memorandum.
3. Stream 13 hearings are to begin in July 2017, s.42A reports are due in 6 working days and evidence from submitters is due in 17 working days. The expectation of the 28<sup>th</sup> February 2017 minute may still be fulfilled by QLDC determining how the recommendations of the WBPS affect land within Submission 338 by the time the hearings begin.

<sup>1</sup> Paragraph 4, Minute Concerning Submission 338 and 501, 28<sup>th</sup> February 2017.

4. However, it is highly likely that evidence prepared by QLDC and the submitter's experts will be in the absence of any formal understanding of how the WBPS relates to almost half the land sought to be re-zoned by submission 338. This will lead to significant duplication of efforts in considering this land by both the submitter's experts and QLDC's.
5. In the interests of avoiding unnecessary costs to my client, duplication and the ability to hear submission 338 with a complete understanding of the implications of the WBPS I ask that submission 338 be deferred from Hearing Stream 13 to the Wakatipu Basin Hearing Stream.

Please Record:

6. Counsel for QLDC issued a memorandum dated 11<sup>th</sup> May 2017 where paragraph 7 reads:

*"For completeness, it is Council's understanding that submissions #338 and #501 will continue to be heard in the Queenstown hearing stream, following communication from counsel for those submitters, Warwick Goldsmith, and the Chair of the Panel in February 2017."*

7. I would like to record that this memorandum is the first communication from Counsel on behalf of the Middleton Family Trust and for clarification Mr Warwick Goldsmith is the Counsel for "Oasis in the Basin" a further submitter to submission #338.

**DATED:** 17<sup>th</sup> May 2017



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**Neil McDonald** on behalf of Middleton Family Trust (Submission 338)

