

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

And Middleton Family Trust Submission 338

MEMORANDUM OF COUNSEL FOR

Oasis in the Basin Association (Further Submitter #1289)

Dated 24 August 2017

Solicitor

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MAY IT PLEASE THE PANEL

- 1 This Memorandum is lodged on behalf of Oasis in the Basin Association (**Oasis**) in response to the Rule Set – 'Attachment C' lodged with the Panel on 22 August 2017 by Ms Macdonald on behalf of the Middleton Family Trust in relation to Submission 338.
- 2 Oasis does not resile from its primary contention that the land identified as ONL on DP Planning Map 31 should remain zoned Rural.
- 3 Counsel notes that aspects of this Memorandum may be relevant if any part of the Middleton land is zoned RR or RL.
- 4 Counsel considers that the Rule Set – Attachment 'C' has some significant problems, including those set out below (which are not necessarily exhaustive). Oasis has already lodged submissions relating to the substantive issues addressed in the Rule Set. They will not be repeated. This Memorandum only addresses drafting issues.

Chapter 7

- 5 Objective 7.2.11 does not actually identify the objective(s) sought to be achieved which would inform the meaning of "*appropriate species and location*". From reading 7.2.11, one would not know whether the intended outcome relates to visual or amenity considerations, or ecological considerations, or both, or otherwise.
- 6 7.2.11.1, 7.2.11.2 and 7.2.11.3 look as if they should be policies (from the formatting) but they read as assessment matters.
- 7 7.2.11.1 reads as if that is a matter of discretion to be assessed. That does not sit well with the rule requirement below which requires specific outcomes to be achieved.
- 8 It is unclear whether 7.2.11.2 is intended to refer to the Escarpment Protection Area or the Central Corridor or both. Reference to "*to the east and northeast*" is puzzling. If 7.2.11.2 relates to the Escarpment Protection Area it would seem more logical to refer to the west and southwest. If 7.2.11.2 relates to the Central Corridor, it is difficult to understand why this provision is only applied on one side of that Corridor.
- 9 Referring to 7.4.4, the new proposed Structure Plan does not actually include any reference to any Building Restriction Areas.
- 10 Rule 7.4.4 reads as an Activity rule but actually appears to be a Standard.
- 11 If 7.5.16.1 is read carefully, it applies to the whole of any site and not just the EPA or CC part of a site which appears to be the intention.

- 12 7.5.16.1(c) appears to relate to coverage (of plantings at maturity) but there is no reference to coverage in the rule.
- 13 7.5.16.1(e) does not flow from 7.5.16.1 (ie: the English is wrong).
- 14 7.5.16.1 is a Standard, but the right hand column does not contain or specify the activity status if the Standard is breached.
- 15 Read carefully, 7.5.16.2 applies to the entire site, rather than just the OSP area within that site which is probably the intention.

Chapter 27

- 16 It is difficult to see how 27.7.13.1 will be implemented given that separate parts of the trail are in different ownerships. One landowner may not be able to develop at all if the other landowner is not cooperative. The rule should probably be reworded so that it applies separately to that part of the trail located in Middleton land and that part of the trail located in Hansen Family Partnership land.
- 17 Development of the Middleton land within the yellow boundary on the Structure Plan does not trigger any walkway requirement, despite the fact that the land within the yellow boundary is by far the majority of the Middleton land.
- 18 Development of the proposed RR zoned land could occur without provision for the northern end of the proposed trail, which would defeat the entire purpose of the trail.
- 19 27.7.13.1 does not specify a standard of construction.
- 20 27.7.13.2(iii) should actually be sub rule (b) and existing (b) should be (c).
- 21 27.7.13.3(a) is inconsistent with 27.7.13.3(c).
- 22 27.7.13.3(b) should also refer to the Open Space Pastoral area.
- 23 Generally speaking, if any of these provisions are to be included in any proposed development zoning, Counsel submits that they need a significant rewrite.

Dated this 24th day of August 2017



Rosie Hill

Counsel for Oasis in the Basin Association