

**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 4
– Subdivision and
Development

**MEMORANDUM OF COUNSEL FOR QUEENSTOWN LAKES DISTRICT
COUNCIL REGARDING HEARING ON 25 JULY 2016**

HEARING STREAM 04 – SUBDIVISION AND DEVELOPMENT

12 July 2016

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MAY IT PLEASE THE PANEL:

1. INTRODUCTION

1.1 This memorandum is filed on behalf of the Queenstown Lakes District Council (**Council**).

1.2 The purpose of this memorandum is to;

- (a) seek leave that Mr Dave Wallace be allowed to adopt Mr Ulrich Glasner's expert infrastructure evidence and be substituted in as an expert witness for the Council;
- (b) advise that Dr Marion Read is available for the hearing if required;
- (c) request that the Hearing Panel (**Panel**) allocate Monday 25 July 2016 to the Council, for its opening and presentation of reports and evidence on the Subdivision and Development Chapter 27; and
- (d) assist the Panel and Submitters regarding minimum lot sizes.

1.3 The Council addresses each of the above points in turn below.

2. INFRASTRUCTURE EVIDENCE

2.1 Since filing the expert infrastructure evidence of Mr Ulrich Glasner, Mr Glasner has advised the Council that he is on leave from 22 July 2016 to 22 August 2016. Unfortunately, this means Mr Glasner is unavailable on Monday 25 July 2016 for the Subdivision hearing, and would also be unavailable to respond to any questions that the Panel may have in writing.

2.2 In addition, as Mr Glasner is away until late August, it is unlikely he will return in time to respond to Panel questions through the Council's right of reply. Therefore, the Council considers the most efficient option is for Mr Wallace to adopt Mr Glasner's evidence and appear at the hearing to answer any questions of the Panel and submitters on that evidence.

2.3 Mr Wallace is suitably qualified to adopt Mr Glasner's evidence. He is the Manager of Resource Management Engineering at Queenstown Lakes District Council. He holds a Bachelor of Engineering (Civil) and a Masters in Regional and Urban Planning. He is a member of the Southern Branch of the Institute of Public Works Engineering Australasia (IPENZ) and a full member of the New Zealand Planning Institute. Mr Wallace has worked for Queenstown Lakes District Council (previously for Council Controlled Lakes Environmental) since February 2008. Mr Wallace has worked with Council as a Senior Resource Consents Planner, a Policy Planner working on the District Plan review and has been in the Manager of RM Engineering role since October 2015. Mr Wallace is familiar with the Resource Management Act, resource consent process and the subdivision process in the Queenstown Lakes District.

2.4 Consequently, the Council respectfully seeks the Panel approve the substitution of Mr Glasner for Mr Wallace. If this substitution is approved by the Panel, then the Council proposes to file a replacement statement of evidence of Mr Wallace, which sets out his qualifications and experience, and confirms that Mr Wallace adopts the evidence of Mr Glasner as already filed, in accordance with the Code of Conduct.

3. DR MARION READ – AVAILABILITY TO ANSWER QUESTIONS AT HEARING, IF PANEL DIRECTS

3.1 The section 42A report of Mr Nigel Bryce relies on the landscape evidence of Dr Marion Read dated 6 April 2016, which was filed in Hearing Stream 02 (Rural).¹ Dr Read appeared at Hearing Stream 2 and was questioned by the Panel.

3.2 Although Dr Read has not filed another statement of evidence in this Hearing Stream and Mr Bryce relies on the earlier statement filed, if the Panel wishes to ask questions of Dr Read on the specific part of her evidence that Mr Bryce relies on relating to minimum lot sizes in

¹ <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-2/Section-42-A-Reports/Expert-Evidence/QLDC-02-Rural-Marion-Read-Evidence.pdf>

Rural zones, the Council can ensure that she is available when the Council opens the hearing on 25 July 2016.

- 3.3 The Council would appreciate if the Panel would advise whether it would like Dr Read to be available, so appropriate arrangements can be made.

4. REQUEST FOR ADDITIONAL TIME AT THE HEARING

- 4.1 The Council respectfully considers that additional time is required to present its opening at the Subdivision hearing for the following reasons:

- (a) to allow the Council to present a full case explaining the approach taken by the Council and its position on the Subdivision and Development chapter of the PDP;
- (b) the Council is responding to, and providing a position on, all submission points, as opposed to presenting a case on one particular issue or site. The breadth and scope of the information that it seeks to present to the Panel is therefore wider, than for specific submitters; and
- (c) the Council has taken into account the time required to present its opening in earlier hearing.

- 4.2 Council anticipates that 1 day will be required to present the Council's opening. In order to assist the Panel, the Council has proposed in **Schedule 1** estimated timing for questioning from the Panel based on the extent of issues covered by the respective Council officer and expert(s), and taking guidance from the Fourth Procedural Minute.²

5. MINIMUM LOT SIZES

- 5.1 To assist the Panel and submitters in preparing for the hearing, the Council wishes to highlight that all submissions on minimum lot sizes for subdivision under Rule 27.5.1 of the Subdivision chapter have been deferred to their respective zone hearings, except for the

2 Fourth Procedural Minute dated 8 April 2016, at paragraph 15.

following provisions/submissions, which are addressed in Mr Bryce's s42A report:

- (a) submissions on minimum lot sizes in the Rural, Rural Residential and Lifestyle, and Gibbston Character Zones, as the hearing on those zone chapters has already occurred;
- (b) submissions on minimum lot sizes for Stage 2 zones, where Mr Bryce's recommendation is for them to be deleted from Chapter 27; and
- (c) submissions from Queenstown Airport Corporation on minimum lot sizes of land subject to the Queenstown Airport Outer Control Boundary, as these relate to the settled provisions of Plan Change 35 and it was considered more efficient to address Plan Change 35 in this hearing.

5.2 The minimum allotment sizes for each zone is often a critical determinant of the environmental outcomes of that zone. In considering submissions the Council has decided that it is often more efficient to address the merits of the zone, any submissions on the density provisions of the zone, and the associated subdivision rules within the one hearing.

5.3 The section 42A report also does not address submissions and further submissions, which are directly related to a re-zoning request. Any submission points that have been deferred or transferred to another hearing, are referenced as such in the Accept/Reject table in Appendix 2 of Mr Bryce's section 42A report.

5.4 The section 42A report does address some submission points that have been deferred or transferred to the subdivision hearing, such as the submission points on Rules 26.6.2 and 26.6.21 from the Historic Heritage chapter.

5.5 The Accept/Reject table in Appendix 2 of Mr Bryce's section 42A report specifies whether a submission has been deferred or transferred to another hearing.

- 5.6 The Council will respond to the Panel's Minute dated 4 July 2016 deferring certain submissions in a separate memorandum.

DATED this 12th day of July 2016



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

SCHEDULE 1

Sarah Scott	Opening Legal Submissions	1 hour
Garth Falconer	Urban design evidence (summary of evidence and Panel questions)	45 minutes
Dave Wallace	Infrastructure evidence (summary of evidence and Panel questions)	45 minutes
Nigel Bryce	Subdivision and Development Officer's report (summary of evidence and Panel questions)	3 hours

If the Panel has questions for Dr Read, an additional half hour should be added to the estimate set out above.