

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 Chapter 8: Medium Density Residential

AND

IN THE MATTER of the Frankton MDR Zone

**MEMORANDUM REGARDING CHAPTER 8 - MEDIUM DENSITY
RESIDENTIAL - FRANKTON MEDIUM DENSITY RESIDENTIAL ZONE
Dated 20 September 2016**

**ANDERSON LLOYD
LAWYERS
QUEENSTOWN**

Solicitor: WP Goldsmith
(warwick.goldsmith@andersonlloyd.co.nz)

Level 2,
13 Camp Street,
PO Box 201,
QUEENSTOWN 9348
DX ZP95010
Tel 03 450 0700
Fax 03 450 0799

Introduction

- 1 This Memorandum requests confirmation that, or if necessary Directions that, all issues relating specifically to the Medium Density Residential Zone located north of and adjoining State Highway 6 on the Frankton Flats ("**Frankton MDRZ**") be deferred until the rezoning hearings in 2017.
- 2 This Memorandum is lodged on behalf of the following Submitters who own land within the Frankton MDRZ and who have lodged Submissions (and Further Submissions) in respect of the Frankton MDRZ:
 - (a) P & M Arnott (S399 & FS1167).
 - (b) Hansen Family Partnership (S751 & FS1270).
 - (c) FII Holdings Limited (S847 & FS1189).
 - (d) Universal Developments Limited (S177 & FS1029).
 - (e) The Jandel Trust (S717 & FS1195).
- 3 This Memorandum does not relate to any plan provision or submission point which affects the MDR Zone as a whole (and not just the Frankton MDRZ).
- 4 This Memorandum therefore addresses only the following provisions of the MDR Zone which relate just to the Frankton MDRZ (plan provision references below are references to Appendix 1: Recommended Revised Chapter of the s42A Report dated 14 September 2016):
 - (a) Objective 8.2.9 and related Policies 8.2.9.1 – 8.2.9.7.
 - (b) Rule 8.4.11.3 Bullet Point 6.
 - (c) Rule 8.5.3.
 - (d) Rule 8.5.5.2.

Note: For clarification purposes, the Memorandum does not address, and expresses no concerns about, amendments to rules notified as applicable only to the Frankton MDRZ which are now recommended to apply throughout the MDR Zone, such as Rule 8.5.2, except to the extent that a specific amendment or exception to that rule relating just to the Frankton MDRZ may be proposed during the zoning hearing.

Background

- 5 The background to this Memorandum includes:
- (a) The Submissions detailed in Paragraph 2 above, together with at least one other primary submission (Submission 455 by W & M Grant), when considered in combination, could result in any or all of a range of different zonings of the land adjoining and north of State Highway 6 located between Hansen Road at the western end and Ferry Hill Drive at the eastern end;
 - (b) The notified zonings of the land referred to in (a) above comprise Rural General and MDR, so the issues addressed in this Memorandum extend beyond the notified Frankton MDRZ;
 - (c) The Submitters identified in Paragraph 2 above are currently working together, by way of informal mediation, to see if they can resolve the differences between the reliefs requested in their respective Submissions, particularly in relation to zoning.
 - (d) In addition, those Submitters are consulting to see if a mutually agreeable solution can be reached with respect to the difficult vehicle access issue which arises as a consequence of the notified traffic access provisions relevant to the Frankton MDRZ, with a view to possibly arriving at an agreed road access structure which could be jointly recommended to the Hearings Panel and which may be able to inserted into the District Plan by way of an appropriate Structure Plan type rule.
- 6 The consultation process described in the previous paragraph has commenced, and a reasonable amount of work has been done. However the parties have been anticipating that these issues would not have to be addressed until the relevant rezoning hearing in 2017.
- 7 The parties seek the opportunity to complete those discussions in the hope of being able to present a united viewpoint to the Hearings Panel, rather than having to present fragmented evidence during the Chapter 8 Hearing Stream in relation to the proposed MDR zoning which may or may not end up being the appropriate zoning of the relevant land.

Specific Issue

- 8 It appears that the s42A Report for this Hearing Stream does not intend to assess or address issues relating to the appropriateness of the zoning of the Frankton MDRZ¹. However some submission points specific to the Frankton MDRZ are addressed in the s42A Report, and recommendations are made. It is submitted that those issues should be addressed and considered during the hearing which determines the appropriate zoning of the relevant land.
- 9 By way of example of the concern raised in this Memorandum, the Panel is referred to Paragraphs 13.20 – 13.38 of the s42A Report which address issues specific to the Frankton MDRZ. This Memorandum requests that the issues addressed in those paragraphs be deferred until the relevant zoning hearing in 2017, and be addressed and considered at the same time as consideration of the appropriate zoning of the land in question.
- 10 A specific example of the rationale underlying the request in the previous paragraph can be found in paragraph 13.28 in the statement:
- "... I consider that a structure plan or similar would be the best way to ensure integrated access through the Frankton MDRZ, however I have not found adequate scope within the submissions received to do this. Consequently, the proposed rules require coordination between landowners."*
- 11 A submission will be put to the Hearings Panel that the statement quoted above is incorrect. Issues relating to the Frankton MDRZ which are at large include the appropriate activities to be enabled on the relevant land, the appropriate zoning to be applied to the relevant land, and the appropriate objectives, policies and rules applicable to those activities and that zoning. It will be submitted that a consequential amendment arising from those issues could be a Structure Plan type provision which identifies indicative access route(s) and therefore resolves access issues through the District Plan rather than leaving them to future uncontrolled coordination between landowners.
- 12 However it is difficult, if not impossible, to raise the point addressed in the previous paragraph unless the Hearings Panel, at that time, can

¹ Refer s42A Report dated 14 September 2016, at paragraph 3.5

consider the issues relating to appropriate zoning, the full range of issues raised by the relevant Submissions, and the potential consequential amendments which arise from that range of issues.

- 13 One possible consequence of the matters raised in this Memorandum is that submissions and evidence may be presented on behalf of one or more of the submitters detailed in Paragraph 2 above that the plan provisions detailed in Paragraph 4 above be relocated from Chapter 8 into a different chapter. Further amendments may then be necessary to adjust those provisions to the policy regime applicable to the chapter into which they are relocated.
- 14 Accordingly this request is now made on behalf of the Submitters detailed in Paragraph 2 above that all submission points which are specific to the Frankton MDRZ be deferred until the relevant zoning hearing in 2017.
- 15 It is further requested that the Hearing Panel notes that, when the zoning hearings are scheduled, the zoning of the land described in Paragraph 4(a) above (comprising both Rural General and MDR) be dealt with at the same time.
- 16 It is noted in passing, and as an additional reason justifying the requests detailed in the previous two paragraphs, that the issue of the location of the ONL boundary as it affects the relevant land will also have to be addressed. This may be the only location in the District where a proposed ONL boundary runs through the middle of a proposed urban zone. This is therefore a site specific issue which should be addressed during the relevant zoning hearing.

Dated 20 September 2016



Warwick Goldsmith
(Counsel for some of the Submitters detailed
in paragraph 2, acting in consultation with other Counsel)