

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 Topic 08 Business chapters; Local Shopping Centre
Zone chapter 15

**MEMORANDUM OF COUNSEL REGARDING TEXT AND MAPPING HEARING
CLARIFICATION**

Dated 29th November 2016

Solicitors

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MAY IT PLEASE THE PANEL

Background

- 1 This Memorandum is lodged on behalf of Stuart Ian & Melanie Kiri Agnes Pinfold & Satomi Enterprises Limited (Submitter 0622) and Satomi Holdings Limited (submitter 0619) ("**Submitters**").
- 2 The Submitters have lodged expert planning evidence on the proposed Local Shopping Centre Zone ("**LSCZ**") and in particular the proposed Cardrona Valley Road LSCZ and potential effects this part of the Zone will have on the Submitters' properties.¹
- 3 The Submitters have sought additional controls within the LSCZ rules including amended setbacks, building heights, and building coverage rules, to mitigate the adverse effects on the interface between the LSCZ and the Submitters' land. The Submitters are also seeking two minor changes to policies 15.2.2.4 and 15.2.2.6, which Counsel considers are necessary and consequential amendments respectively, to give effect to the matters raised in the Submitters' submissions.
- 4 For clarification, other submitters have sought amendments to the extent of this particular LSCZ. The Submitters have not sought such relief however the outcome of those hearings may be of relevance to the Submitters' concerns.
- 5 The section 42a report for Chapter 15, prepared by Ms Bowbyes considers the Submitters' relief sought and concludes the LCSZ provisions are appropriate for the Cardrona Valley Road context, and furthermore they are appropriate in the context of the zoning regime proposed for the submitters' land by the PDP.

Hearing text and mapping submissions

- 6 Counsel acknowledges that the relief sought by the Submitters is specific to the Submitters' land, rather than matters which are applicable to the LSCZ District-wide, and therefore seeks clarification as to whether deferral of the hearing of these Submitters until the mapping hearings is more appropriate.
- 7 In support of this matter, Counsel notes the following:
 - (a) Procedural Minute 2 of the Hearings Panel which states that:

¹ Evidence of Ian Greaves T08 dated 18 November 2016

The Hearing Panel will hear those parts of the submission dealing with both the proposed new zone/subzone and the changes sought to the maps to apply the zone/subzone within the mapping streams².

- (b) The opening legal representations of Ms Scott, for Council:

The Pinfold and Satomi Enterprises submission (622), where controls are sought in the LSCZ as it adjoins the submitter's land, is also specific to the Cardrona Valley Road LSCZ. This submission raises core matters that are intrinsically linked to the size of the LSCZ, and there could be value in this submitter also being given an opportunity to be involved in the rezoning hearing.³

- (c) The summary of evidence presented by Ms Bowbyes for Council:

the relief sought in the Pinfold and Satomi Enterprises submission was limited in scope to applying only to the LSCZ that adjoins the submitters' land at Cardrona Valley Road (rather than being zone wide). Mr Greaves' evidence, however, extends to requesting relief that would apply across the entire zone. These amendments include changes to policies and rules that were not included in the original submission.⁴

Clarification sought:

- 8 In light of the above Counsel respectfully requests that (putting aside the issue of scope) the Hearings Panel clarify whether it is appropriate for the Submitters' case to be deferred until the mapping hearings; and
- 9 If a deferral is directed, clarification that the relief sought in respect of policies 15.2.2.4 and 15.2.2.6 will be heard and considered at that mapping hearing (subject to scope being addressed).

Dated this 29th day of November 2016



Vanessa Robb
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Agnes Pinfold & Satomi Enterprises
Limited and Satomi Holdings Limited

² Para 14

³ Para 7.12

⁴ Para 8