

**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 9 –
Resort Zones

**MEMORANDUM OF COUNSEL ON BEHALF OF THE QUEENSTOWN LAKES
DISTRICT COUNCIL REGARDING TRANSFER OF SUBMISSION POINTS TO
REZONING HEARING**

Jacks Point – Chapter 41

22 December 2016

 **Simpson Grierson**
Barristers & Solicitors

S J Scott
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

MAY IT PLEASE THE PANEL

1. This memorandum is filed on behalf of Queenstown Lakes District Council (**Council**) to respectfully request that the Hearing Panel (**Panel**) direct that submission points intrinsically linked to a rezoning submission only be heard as part of the rezoning/mapping hearing stream, and that the submission as a whole is considered again in the rezoning/mapping hearing stream.

Background

2. The Jardine Family Trust and Remarkables Station Limited (submitter #715) has sought that land be rezoned from Rural General to Jacks Point zone, which is in effect an extension to the notified Jacks Point Zone on planning map 13 of the Proposed District Plan (**PDP**). This particular submission point is already allocated to the rezoning/mapping hearing for Wakatipu Basin.
3. Alongside the rezoning submission, the submitter also seeks an extension of the Urban Growth Boundary, an extension of the Jacks Point Structure Plan in clause 41.7, and a number of specific amendments to the text and notified portion of the Structure Plan in Chapter 41. Some of these specific submission points are intrinsically linked to the rezoning submission point, whereas other points seek changes (largely deletions) to the chapter text, which in the Council's view affect the chapter as a whole and cannot be considered in isolation to the objective/policy framework for the zone and notified structure plan, and other relevant submission points on those issues.
4. These particular submission points therefore need to be considered in the Resort Zone hearing stream, in the first instance. It is acknowledged that the submitter may seek to revisit the submission points in **Appendix B** in the rezoning/mapping hearing, in order to advance its rezoning submission, which is not opposed.
5. The submitter has provided plans showing the zone and structure plan extensions sought, in Attachment [B] of the submission.

6. With one specific exception (for Milbrook),¹ the Council is hearing all rezoning submissions in the rezoning/mapping hearings in 2017. Submissions relating to the notified (text) provisions have been heard in the substantive hearings on the text of the chapters, with the exception that the Panel has endorsed an approach where all submissions relating to a particular site, whether in relation to the overall zoning or seeking site specific rules are dealt with together in a single hearing stream (ie, the Wakatipu Basin rezoning/mapping hearing stream).²

Direction sought

7. The Council respectfully requests that the Jardine Family Trust and Remarkables Station Limited submission points set out in **Appendix A** to this memorandum be transferred to the mapping hearing. These submission points seek amendments to the notified zone provisions and structure plan that are intrinsically linked to their rezoning submission. **Appendix A** includes more detailed reasons for the requested transfers.
8. The Council also respectfully requests that those submission points in **Appendix B** be considered in the Resort Zone hearing s42A report for chapter 41, but again in the rezoning/mapping hearing in the context of the specific rezoning submission. It is noted that the s42A report is required to be finalised with the Council on 17 January 2017 and released on 19 January 2017, and therefore the s42A author is preparing responses to these submission points. **Appendix B** includes reasons for why these submission points should be considered in the first instance, in the Resorts Zone hearing.
9. A Minute to this effect is respectfully requested, so that submitters clearly understand the scope and issues to be heard at the Resort Hearing Stream 9, currently scheduled to commence on 13 February 2017.
10. We note also for completeness, that the following submission points are already allocated to the rezoning hearing, so do not need to be subject to a transfer direction:

¹ <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Memorandums/Stream-9/General-Milbrook-Submissions-16-11-16.pdf>

² <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Memorandums/Stream-8/Hearing-Process-T08-Submission-Deferral-2-12-16.pdf>, at paragraph 5.

- 10.1** 715.2, requesting an extension of the Jacks Point Zone to include the entire area depicted on plans contained in Attachment [B] to the submission; and
- 10.2** 715.4, requesting an extension of the Urban Growth Boundary to include the entire area depicted on plans contained in Attachment [B] to the submission.

DATED this 22nd day of December 2016



S J Scott
Counsel for Queenstown Lakes District
Council

APPENDIX A
SUBMISSION POINTS REQUESTED TO BE TRANSFERRED TO MAPPING/REZONING HEARING

Submission Point (from Summary of Decisions Requested)	Relief Sought by Submitter	Rationale
715.3	Extension of the Jacks Point Structure Plan to include all activity areas depicted on the plans contained in Attachment [B] to this submission.	The request to amend/extend the Structure Plan is intrinsically linked to the rezoning request, and cannot be considered in isolation from the latter. The submission point should therefore be considered at the same time as the rezoning submission.
715.7	Policy 41.2.1.13. Add the words "and Residential (Homestead Bay) Activity Area" after the word "Area".	The request to add words to the Policy is intrinsically linked to the rezoning request, and cannot be considered in isolation from the latter. It will only be necessary to add the words to the Policy, if the rezoning submission (including the addition of a new Residential Activity Area) is successful. The submission point should therefore be considered at the same time as the rezoning submission.
715.9	Part: 41.4.6 Medium Density Residential Development, make the following changes: 41.4.6.1 Within the R(HD) A – E, <u>R(HB) D – E</u> , and R(HD-SH) 1 <u>and R(HB-SH) A – C</u> Activity Areas, any	The request to add words to the Rule is intrinsically linked to the rezoning request, and cannot be considered in isolation from the latter. It will only be necessary to add the words to the Rule, if the rezoning submission (including the addition of a new Residential Activity Area) is successful. The submission point should therefore

Submission Point (from Summary of Decisions Requested)	Relief Sought by Submitter	Rationale
	residential activity which results in either:	be considered at the same time as the rezoning submission.
715.10	41.4.9.11: Add new sentences. There shall be 1 residence accessory to farming activities provided for in the OSL adjacent to State Highway 6 within lot 8 DP 443832. The activities shall also include the airport within lot 8 DP 443832 and associated aviation and commercial recreation activities.	The request to add new sentences to the Rule is intrinsically linked to the rezoning request, and cannot be considered in isolation from the latter. It will only be necessary to add the sentences to the Rule, if the rezoning submission (including provision for particular activities within lot 8 DP 443832, which is within the area sought to be rezoned from Rural General to Jacks Point zone) is successful. The submission point should therefore be considered at the same time as the rezoning submission.
715.11	41.4.9.15: Delete the words "12 low level" and replace with "41".	The request to amend the Rule is intrinsically linked to the rezoning request, and cannot be considered in isolation from the latter. It will only be necessary to increase the number of residential units within Open Space – Residential within this Rule, if the rezoning submission is successful. The submission point should therefore be considered at the same time as the rezoning submission.
715.15	41.5.8.1 Add the following: R(HB)D and-E 10-15 per Ha	The request to include a new Residential Activity within the density standards is intrinsically linked to the rezoning request, and cannot

Submission Point (from Summary of Decisions Requested)	Relief Sought by Submitter	Rationale
	R(HB-SH)A-C 10-15 per Ha	be considered in isolation from the latter. It will only be necessary to add this new standard, if the rezoning submission is successful. The submission point should therefore be considered at the same time as the rezoning submission.
715.17	41.5.12.2. Add new (j) below (i): Open Space Residential (OSR) and Open Space Landscape (OSL) limited to one residence within lot 8 DP 443832: 7m.	The request to include new Building Height standards is intrinsically linked to the rezoning request, and cannot be considered in isolation from the latter. It will only be necessary to add these new standards that relate to Lot 8 DP 443832, which is subject to the rezoning submission, if the rezoning submission is successful. The submission point should therefore be considered at the same time as the rezoning submission.
715.18	Part: 41.5.15 Building Coverage 41.5.15.2 On any site within the EIC, R(HD), R(HD-SH), <u>R(HB)</u> , <u>R(HB-SH)</u> buildings shall not exceed a maximum building coverage of 50%, except:	The request to include a new site coverage standard is intrinsically linked to the rezoning request, and cannot be considered in isolation from the latter. It will only be necessary to add this new standard if the rezoning submission is successful. The submission point should therefore be considered at the same time as the rezoning submission.

APPENDIX B

SUBMISSION POINTS TO REMAIN IN HEARING STREAM 9 – RESORT ZONES AND ALSO BE TRANSFERRED TO THE REZONING/ MAPPING HEARING

Submission Point (from Summary of Decisions Requested)	Relief Sought by Submitter	Rationale
715.1	Not Stated. Submitter opposes entire PDP.	Majority of submission relates to Jacks Point Zone.
715.5	Policy 41.2.1.4. Delete.	Seeks deletion of notified Policy 41.2.1.4: Ensure that residential development is not readily visible from the State Highway. Although the submitter is likely pursuing this relief to advance its rezoning submission, the relief sought would affect other residential development within the notified Structure Plan and the Jacks Point Zone.
715.6	Policy 41.2.1.10. Delete the words "...while ensuring that development associated with those activities does not over domesticate the landscape".	Seeks deletion of part of notified Policy 41.2.1.10: Provide for farming and associated activities in appropriate areas, while ensuring that development associated with those activities does not result in over domestication of the landscape. Although the submitter is likely pursuing this relief to advance its rezoning submission, the relief sought would affect the wider

		Structure Plan including all farming and associated activities within notified Jacks Point Zone, such as within Farm Preserve 1 Activity Area and Farm Preserve 2 Activity Area.
715.8	Policy 41.2.1.26: Delete.	<p>Seeks deletion of notified Policy 41.2.1.26:</p> <p>Ensure provision of integrated servicing infrastructure, roading and vehicle access.</p> <p>Although the submitter is likely pursuing this relief to advance its rezoning submission, the policy addresses integrated infrastructure and therefore its deletion would be of relevance to the entire notified Jacks Point Zone.</p>
715.12	41.4.9.16: Delete.	<p>Seeks deletion of notified Rule 41.4.9.16:</p> <p>Farm Buildings and Craft Activity Area (FBA) - the use of this area is limited to the existing residence, farm buildings and buildings and activities associated with craft and farming related activities, retail sales of goods produced or reared on site, a farm stay and a bed and breakfast operation.</p> <p>Although the submitter is likely pursuing this relief to advance its rezoning submission, the FBA is located on the notified Structure Plan. Therefore the relief sought affects the notified text and Structure Plan and needs to be considered alongside other changes sought to the notified chapter.</p>
715.13	41.5.2.7: Delete.	<p>Seeks deletion of notified Standard 41.5.2.7:</p> <p>Within the OSR Activity Area, at least 50% of any site shall be planted in native vegetation, prior to building.</p>

		<p>Discretion is restricted to any effects on nature conservation values.</p> <p>Although the submitter is likely pursuing this relief to advance its rezoning submission, and the submission seeks extension of the OSR activity area over land notified as Rural General, deletion of Standard 41.5.2.7 as requested would affect the notified zone and therefore the submission needs to be considered alongside other submissions on the zone/structure plan.</p>
715.14	41.5.6.1. Delete, or make provision for 2 new access points to be created within lot 8 DP 443832 as Controlled Activities (with control limited to design and location for State Highway traffic safety considerations).	<p>Seeks deletion of notified Standard 41.5.6.1:</p> <p>Access from State Highway 6 shall be only at the intersections at Maori Jack Road and Woolshed Road, as shown on the Structure Plan.</p> <p>Although the submitter is likely pursuing this relief to advance its rezoning submission, the matter of access to the notified zone needs to be considered in the zone hearing and has been raised by other submitters. This submission point will likely need to be heard again in the rezoning hearings.</p>
715.16	41.5.11. Delete.	<p>Seeks deletion of notified Standard 41.5.11:</p> <p>Residential Units In the OSH, OSR, FBA and V(HB) Activity Areas, no residential units may be constructed until 80% of the freehold land within the Open Space Foreshore Activity Area has been planted with native endemic species.</p> <p>Although the submitter is likely pursuing this relief to advance its rezoning submission, and the submission seeks removal of OSH and FBA and extension to OSR on the Structure Plan, deletion of</p>

		Standard 41.5.11 as requested would affect notified OSR and V(HB) zones, and therefore affect provisions that are within the scope of the Resort Zone hearing.
715.19	41.5.15.4: delete.	<p>Seeks deletion of notified Standard 41.5.15.4:</p> <p style="padding-left: 40px;">Within the Village (Homestead Bay) Activity Area, building coverage shall not exceed a maximum of 21,500 m².</p> <p>Although the submitter is likely pursuing this relief to advance its rezoning submission, the relief sought would affect notified V(HB) activity area on the Structure Plan.</p>