

**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 Stage 2 including
variations to Stage 1 of
the Proposed District
Plan

**MEMORANDUM OF COUNSEL ON BEHALF OF THE QUEENSTOWN LAKES
DISTRICT COUNCIL IN RESPONSE TO PANEL MINUTE OF 29 JANUARY 2018**

2 February 2018

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MAY IT PLEASE THE PANEL

1. This memorandum is filed on behalf of Queenstown Lakes District Council (**Council**). Its purpose is to respond to the Hearings Panel as requested in the Panel's Minute of 29 January 2018.
2. The Panel asked the Council to review fourteen points from submissions and further submissions, and advise whether they are submissions that are deemed to be against a variation notified in Stage 2. The Panel notes that proposed new Policy 12.2.5.7 and Rule 12.4.17, notified in Stage 2, appear to deal with the issues raised by these submissions.
3. The submission and further submission points listed in the Panel's Minute relate to specific provisions¹ that were notified in Chapter 12, Queenstown Town Centre in Stage 1, or seek that additional provisions be added to the chapter. By contrast, proposed Policy 12.2.5.7 and Rule 12.4.17 are new stand-alone provisions that have been notified alongside the Stage 2 Transport Chapter. In terms of Clause 16B(1), the new provisions are not "to be substituted for" any Stage 1 provisions, which is the wording used in Clause 16B of Schedule 1. There is no other legal mechanism to transfer submissions over to a proposed planning document.
4. The submitters are already on notice of the Council's position in Hearing Stream 8;² Council has never indicated that these submission points will be transferred over to another stage of the PDP. Instead Council's position has been that the issue of water-based public transport will be considered holistically when the Transport topic is notified in Stage 2, and in the instance of 807.86 Council's position was that the submission was out of scope of Stage 1.³

1 Objective 12.2.5, Policies 12.2.5.1, 12.2.5.2, 12.2.5.3, 12.2.5.4, 12.2.5.5 and 12.2.5.6, and Rule 12.4.7.2.

2 Section 42A Report of Ms Vicki Jones for Chapter 12 Queenstown Town Centre dated 2 November 2016 at paragraphs 17.8-17.11; Right of Reply of Ms Vicki Jones for Chapter 12 Queenstown Town Centre dated 13 December 2016 at paragraph 5.4.

3 Therefore, this submission point cannot be transferred to a later stage.

5. For transparency the Council will ensure that a copy of this memorandum is served on the submitters, so that they are aware of the opportunity to make submissions on Stage 2.

DATED this 2nd day of February 2018



S J Scott / H L Baillie
Counsel for Queenstown Lakes District
Council