

**BEFORE THE QUEENSTOWN LAKES
DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991 (the "Act")

AND

IN THE MATTER of the Queenstown Lakes District Proposed District Plan

LEGAL SUBMISSIONS FOR:

Hansen Family Partnership (#751)

Hearing Stream 1 (Chapter 3- Strategic Direction, chapter 4- Urban
Development, Chapter 6- Landscapes)
21 March 2016

**ANDERSON LLOYD
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1. Introduction

- 1.1 The submission by Hansen Family Partnership ("**HFP**") addresses district wide provisions of the Proposed District Plan ("**PDP**") and compliments the relief sought within its submission and further submission.
- 1.2 This submission is presented on the basis that scope is determined by the full range of submissions lodged to the DPR, not each individual submission. The authority for this is the High Court decision; *Simons Hill Station Ltd v Royal Forest & Bird Protection Society of New Zealand Inc.*

2. Summary of the Parties' positions

- 2.1 The PDP as notified, and as amended through Council's section 42A reports generally is supported in that it aims to set a strategic, directive, and clear approach to providing for sustainable management of the District's natural and physical resources.
- 2.2 HFP owns land on either side of Hansen Road, extending from Lake Johnson to State Highway 6. HFP's original and further submissions seek to rezone its land from the currently proposed rural zone to provide opportunities for development of an urban nature, and to enable a more efficient use of the land resource.
- 2.3 This submission seeks in particular amendments to the provisions within chapter 4 which seek to manage development within the airport noise boundaries for the protection of the Queenstown Airport land use.
- 2.4 Policy 4.2.3.8 in particular was opposed by HFP on the basis that it had conflated two regimes providing for an unnecessarily restrictive development regime in the Outer control Boundary (OCB) and the Airport Noise Boundary (ANB).

3. Expert caucusing undertaken

- 3.1 Following the hearing of Queenstown Airport Corporation's legal submissions at the DPR hearing last week, the panel directed that expert conferencing take place between QAC experts and the experts for QLDC. The intent of that direction was to attempt to reach agreement on the detailed wording of the notified provisions of chapters 3 and 4, as compared to the provisions of PC 35.
- 3.2 The HFP is a further submitter in respect to the QAC submission (#433) on those provisions seeking to prevent establishment of Activities Sensitive to Aircraft Noise within the OCB north of State Highway 6. As a further submitter HFP was invited to

conference within the QAC and Queenstown Lakes District Council on these issues. The written statement from that conferencing is due Tuesday 22 March 2016 (the day after these submissions are presented on behalf of HFP). HFP therefore seeks leave to reserve its position with respect to the formal outcome of that caucusing insofar as it relates to the submission and interests of HFP.

- 3.3 Despite the urgency of timeframes imposed through this caucusing, Mr Ferguson was able to attend caucusing on behalf of HFP last week. Mr Ferguson has advised of the intended outcome of that meeting, although no formal documentation has been lodged.
- 3.4 HFP requests that the Panel recognise that there may be future 'scope' issues regarding provisions which may change or be deleted as a result of the caucusing. Because scope should be 'collective' (discussed in *Simons Hill*) any potential outcome of new or moved policies which are relevant or responsive to Policy 4.2.3.8 should be able to be submitted on at future hearings by HFP.
- 3.5 Mr Ferguson will speak separately to those parts of the caucusing which are agreed to on behalf of HFP, should those be retained in the final document.

4. **Policy 4.2.3.8- Airport Noise Boundary**

- 4.1 Policy 4.2.3.8 notified reads as follows;

***Policy 4.2.3.8-** "Land use within the Air Noise Boundary or Outer Control Boundary of the Queenstown Airport is managed to prohibit or limit the establishment of Activities Sensitive to Aircraft Noise".*

- 4.2 The wording of Policy 4.2.3.8 as notified provides for an absolute standard which is not enabling for the consideration of activities on their merits to occur. It also conflates inappropriately a regime which should separate out appropriate activities which could occur in the OCB as compared to the ANB.
- 4.3 That provision presents a barrier to the opportunity of creating an interesting and high quality entrance to the Frankton area, on land which is suitable for further intensification and development.
- 4.4 The amendments to this policy as detailed by Chris Ferguson are provided at page 28 of his evidence on behalf of HFP. Those amendments are considered to enable to Plan to give effect to the operative Otago Regional Policy Statement, in particular Policy 9 which provides for an enabling regime towards sustainable management of infrastructure.

4.5 HFP would support the deletion of this policy from chapter 4 as it is a detailed provisions which does not sit well with the other higher order provisions of the chapter which are aimed at managing the spatial location and layout of urban development across the District at a strategic level.

5. **Objective 3.2.1.2 and related policies**

5.1 Further clarification is also sought in respect of commercial areas recognised in the strategic chapters of the PDP so as to ensure all commercial areas within the District are adequately provided for. Those amendments suggested in Chris Ferguson's evidence at page 28-29 to Policy suite 3.2.1.2 are intended to clarify that those provisions should serve the primary function of recognising and providing for the mixed use function of the wider Frankton Area being one precinct entity.

To be presented on 21 March 2014



Maree Baker-Galloway/ R E Hill

Counsel for Hansen Family Partnership (#751)