

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 Stream 13:  
Queenstown Mapping

**MINUTE CONCERNING VARIOUS ENQUIRIES ON BEHALF OF**  
**REMARKABLES PARK LIMITED (#807 & FS1117) AND**  
**QUEENSTOWN PARK LIMITED (#806 & FS1097)**

1. Counsel for the above submitters has raised a number of concerns about how she perceives the submitters are being dealt with in Hearing Stream 13. I note that these communications have been by way of emails to the administration staff rather than by way of Memoranda as we encouraged in our Third Procedural Minute dated 24 February 2016.
2. On 21 February 2017 counsel emailed the Council with the hearing requirements for Remarkables Park Limited (“RPL”) and Queenstown Park Limited (“QPL”). This stated that RPL and QPL would require 5 days to present their case, and that evidence would be adduced from 12 expert witnesses.
3. I considered this request and concluded that 5 days was excessive given that the evidence would be read in advance and, other than the presentation of a brief summary, the witnesses would only be questioned by the Panel members. Based on our experience to date with the amount of time required per witness, I instructed the administration staff to set aside 3 full days for these two submitters. I understood from the email of 21 February 2017 that a combined case would be presented.
4. On 12 April 2017, after receiving the draft hearing timetable attached to the Ninth Procedural Minute, counsel emailed our staff advising of QPL and RPL’s availability constraints in August and seeking leave to appear in the first week of September. Counsel advised that a formal memorandum would be filed.
5. Although a formal memorandum was not received, I considered this a reasonable request and instructed the administration staff to move QPL and RPL to the first week of September, and move those previously set down for that week, to the

previous week. As I have yet to issue a Minute advising of the revised hearing timetable, which takes account of a number of other requests, I am not sure if QPL or RPL have been advised of this change.

6. On 5 May 2017 counsel again emailed the administrative staff, stating:

*“..., although RPL requested to be heard for four or five days. Three days will not be enough to present our case.”*

7. I have answered that matter above.
8. On 11 May 2017, counsel again emailed our administrative staff. Her email read as follows:

*RPL is a further submitter and we requested to be heard in this hearing stream. We have a specific interest as a further submitter in QAC’s<sup>1</sup> submission. QAC are being heard on 14 August 2017.*

*Could you please advise whether RPL (as a further submitter) will be heard after QAC or if our further submission is to be addressed during the week of 4 September?*

9. While I thought it was self-evident that by being heard in the week of 4 September 2017, RPL would be being heard after QAC, I suggested to our staff that they enquire as to whether RPL was proposing to call evidence specifically in respect of this further submission, or whether they just sought a small time slot to make legal submissions.
10. This enquiry elicited a further email suggesting that counsel was confused with the draft hearings timetable, and suggesting that it was set up differently from how we had heard previous hearing streams.
11. Given this apparent confusion I considered it would be helpful if I explained to counsel what we will be hearing in Stream 13. First, I will start with RPL’s further submission. In respect of the maps, the further submission opposing the QAC submission specifies Maps 31a and 33 as being of concern. The reasons for the opposition include:

*Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35.*

*Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone.*

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<sup>1</sup> Queenstown Airport Corporation Limited, Submitter #433

*Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court.*

12. The only amendment sought by QAC to the Planning Maps 31a and 33 (also 37) was to amend the Air Noise Boundary and Outer Control Boundary for Queenstown Airport. This was described in the submission as being to give effect to Plan Change 35. The plan included in Annexure B to the submission showing the locations sought for the two boundaries was described as “Decision Version Boundaries without ‘Lot 6’”. The plan shows large parts of the area zoned Remarkables Park Zone in the Operative District Plan as well as an area on the south bank of the Kawarau River that the QPL submission relates to.
13. The Remarkables Park Zone is not part of Stage 1 of the PDP, and was specifically excluded from the planning maps of Volume A (being the part of the District subject to review) by resolution of the Council on 29 September 2016. I understand that the Council proposes to formally withdraw that area from the PDP so that it is clear that any mapping issues within that area are not part of the PDP and therefore not within the jurisdiction of the Hearing Panel. This means that the Air Noise and Outer Control Boundary lines shown on the QAC submission, where they are located within the area zoned Remarkables Park Zone in the Operative District Plan, are not relevant to our consideration and we have no jurisdiction to consider the location of those lines within that area.
14. I note also that RPL, in its primary submission, sought a number of map amendments within the area of the Remarkables Park Zone, including, for instance showing the designation for the new high school. Those, equally, are not relevant to our consideration of the PDP mapping issues in Stream 13 and we will neither hear nor consider submissions or evidence in respect of them.
15. In the light of that explanation, I ask counsel to reconsider her request for a 60/70-minute hearing slot immediately after QAC on 14 August 2017. The Hearing Panel does not need to hear primary submissions and relevant further submissions in immediate temporal proximity. Thus, we are not concerned that we will hear RPL three weeks after we have heard from QAC. However, if counsel wishes to pursue this option she can formally request it by way of memorandum, specifying the reasons why RPL should be heard then, the matters to be considered and the witnesses proposed to be called.
16. Counsel, in her most recent email, also queried the absence of several parties who had lodged further submissions in respect of QPL’s submission. If any party is not on the timetable it means they have not requested a time to be heard.

For the Hearing Panel

A handwritten signature in blue ink that reads "Nugent". The signature is fluid and cursive, with a large, stylized 'N' at the beginning.

Denis Nugent (Chair)

12 May 2017