

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes
Proposed District Plan

MEMORANDUM TO THE COUNCIL

Introduction

1. In preparing for the hearings of submissions the members of the Hearing Panel have each been reviewing the proposed District Plan (“PDP”) as notified. The Panel has identified a number of apparent inconsistencies, omissions and errors which we consider appropriate to alert the Council to at this stage so they can be addressed by the Council at the commencement of the hearings.

District Plan Review in Stages

2. The Legend and User Information page of the District Plan Maps makes it clear that the District Plan Review is in two stages, and that the operative zoning is shown for sites and zones which are not subject to Stage 1. While this is clear, there are some inconsistencies in the way the individual maps have been labelled which we detail below.
3. The PDP text does not assist the reader in understanding what is in Stage 1 of the Review. Chapter 1 Introduction makes no mention of the fact that the PDP is in fact Stage 1 of the Review. It is not until one reads Section 27.3.3 that one finds a list of the zones that are not part of Stage 1, or in the case of the Special Zones, those that are. Mention is made in the various zone provisions referring to District Wide provisions (i.e. 7.3.1, 8.3.1 etc) of the fact that some District Wide Chapters are not included in Stage 1.
4. We are of the view that the PDP should contain a clear explanation as to what is within and what is outside of this part of the Review so as to avoid ambiguities. We will detail further ambiguities and inconsistencies below.

Map Legend Inconsistencies

5. The individual map legends applying to Special Zones do not distinguish between those Special Zones that are in Part 1 and those that are not. In many cases the individual map legends are confusing as the notations listed are not separated between those in Part 1 and those that are operative.

6. Map 11 appears to apply a Commercial Precinct within Stage 1 over Township Zone which is excluded. This appears to be inconsistent.
7. On Map 13 the identification of the Resort – Jacks Point Special Zone also has the notation “PC 44”. It is unclear whether this area is within Stage 1 or not.
8. Map 18 lists the Open Space Zone as if it were included in Part 1.
9. The body of Map 19 appears to show a Building Restriction Area but there is no notation for that in the map legend on that page. In the same map legend the Open Space Zone is not notated as operative.
10. Map 20 lists the Open Space Zone as if it were included in Part 1.
11. On Maps 21 and 23 there is a notation “Potential Open Space (Stage 2 DP Review)”. We are unsure of the status of this notation. We note it is also shown on the Legend and User Information page under “Everything Else” and on Map 23.
12. Map 24b lists the Open Space Zone as if it were included in Part 1.
13. Map 25b appears to apply a Commercial Precinct within Stage 1 over Township Zone which is excluded. This appears to be inconsistent.
14. Map 26 lists the Town Centres Zone as operative rather than in Stage 1. On Maps 27 and 28 which are enlargements of the relevant area, the Town Centres Zone is shown as part of Stage 1.
15. Map 31a lists the Industrial A Zone as if it were in Stage 1.
16. We also note that the Visitor Accommodation Subzone has been applied throughout the maps with the same notation on proposed zones and operative zones. It is unclear what this notation relates to in the PDP.
17. We also note that the listing of the legend on the right hand side of the individual maps is potentially confusing as it appears to indiscriminately list zones and other notations whether they are within Stage 1 or not. A clear separation in the legend between those notations in Stage 1 and those merely shown for information purposes would have been more helpful.

Chapter 2 - Definitions

18. This contains a number of definitions that only apply to zones that are not within Part 1 of the Review. This appears to be inconsistent with the statement that those zones are not part of this stage. We are also unsure of the relevance of showing

some definitions with strike-out and/or underlining, notwithstanding the explanation at the commencement of the Chapter.

Chapter 27 – Subdivision

19. Rule 27.5.1 sets minimum site sizes for zones which are not included in Stage 1. Similarly Rule 27.5.4 applies rules to zones that are not in Stage 1. Section 27.7.1 also refers extensively to the Open Space Zone provisions, although that is not part of Stage 1.

Chapter 36 – Noise

20. The rules in this chapter appear to apply to zones which are not included in the PDP to date. In addition to the apparent inconsistency, it is not clear whether the rules apply to operative zones with the same name as zones in the PDP.

Conclusion

21. We think it would be helpful, both to the Panel, and to submitters, if the Council's counsel could confirm which, if any, of these are errors and whether, and how, these will be addressed by the Council. If the Council considers these are not errors, it would be helpful if an explanation was provided of how the Council envisages the Panel dealing with submissions on provisions in the operative plan referred to in the Proposed District Plan.

For the Hearing Panel

A handwritten signature in blue ink, appearing to read 'Nugent', written in a cursive style.

Denis Nugent
Chair
16 February 2016