

**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 12 DECEMBER 2017**

18 December 2017

 **Simpson Grierson**
Barristers & Solicitors

S J Scott / H L Baillie
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**). Its purpose is to provide information to the Hearings Panel as requested in the Panel's Minute of 12 December 2017.
2. In response to the Panel's query regarding submission 338 in Appendix H, the Council agrees that further clarification is required as to which parts of the submission the Panel should make recommendations on. The Council considers the same information should be provided for all rezoning submissions that are to be transferred in part (ie. where not all land subject to a rezoning submission, is affected by the variation).
3. A new column has therefore been added to the original Appendix H, to clarify the parts of each submission that are deemed to be "on" the variation through clause 16B(1) of Schedule 1 of the RMA. The wording in the new column is generally based on the Panel's suggested wording in paragraph 4.¹ Regarding submission 338 (and other submissions where relevant), the Council's preferred approach is to state that the land lies within the Rural Landscape Classification on Map 31.
4. The Council has also amended Appendix H to include submission 476.2. This reflects the Council's previous confirmation that map 31 is correct² and the Panel should continue to make a recommendation on that part of the land subject to Submission 476 that is not subject to the Wakatipu Basin Rural Amenity Zone.
5. The amended Appendix H is attached to this memorandum as **Appendix A**.

DATED this 18th day of December 2017



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

1 Fourth Minute concerning memorandum of counsel advising on matters related to Stage 2 of the PDP, 12 December 2017.
2 Memorandum of counsel on behalf of the Queenstown Lakes District Council in response to Panel Minutes of 27 November 2017 and 5 December 2017, 8 December 2017, at [6].

Appendix A

**PDP (Stage 1) provisions and Stage 1 Submission points affected by:
Rezoning Submissions**

**(supersedes Appendix H to Memorandum of Counsel on behalf of the
Queenstown Lakes District Council dated 23 November 2017)**

PDP (Stage 1) Planning Map subject to Variation where it relates to	Original Point No	Further Submission No	Submitter	Submission Summary	Stage 1 hearing where recommendations were made	Stage 2 hearing topic that Stage 1 provision and submissions to be transferred to	Parts of the submission the Hearings panel are requested to not make a recommendation on
Map 34 - Fernhill and Sunshine Bay as it relates to the PDP Stage 1 map being varied.	574.5		Skyline Enterprises Limited	That a new Commercial Tourism and Recreation Sub-Zone and associated provisions as outlined in this submission and attachments to this submission are adopted into the PDP.	Stream 13 Queenstown	Open Space and Recreation	Those parts of Submission Points 574.1, 574.3, 574.4 and 574.5 which apply to land now included in the Open Space and Recreation Zone, which lies generally north of the Queenstown Town Centre and High Density Residential Zones on Map 34.
Map 34 - Fernhill and Sunshine Bay as it relates to the PDP Stage 1 map being varied.	574.5	FS1063.23	Peter Fleming and Others	Oppose all	Stream 13 Queenstown	Open Space and Recreation	Refer to above
Map 34 - Fernhill and Sunshine Bay as it relates to the PDP Stage 1 map being varied.	574.5	FS1370.1	ZJV (NZ) Limited	The liberal controls promoted within the proposed "Commercial Tourism & Recreation Sub-Zone" are inappropriate in ONL setting. The proposed "Commercial Tourism & Recreation Sub-Zone" is not supported by an adequate examination of alternatives, costs and benefits under section 32 of the RMA 1991. The existing designation enables a range of activities that are appropriate for the location and in inconsistent with a recent Environment Court Decision.	Stream 13 Queenstown	Open Space and Recreation	Refer to above
Map 31 - Lower Shotover as it relates to the Stage 1 PDP map being varied	338.4		Middleton Family Trust	Rezone the land on planning map 31 generally located between Lake Johnson and the Shotover River (as shown in Attachment B to the submission and legally described as secs 21, 24, 40, 41, 44, 61 Blk XXI Shotover SD, Sec 93 Blk II Shotover SD, Secs 43- 45, 52-55, 60 Blk II Shotover SD, Pt Sec 47 Blk II Shotover SD, Pt sec 123 & 124 Blk I Shotover SD, and Secs 130-132 Blk I Shotover SD) from Rural to part Low Density Residential and part Rural Residential with provision made to protect escarpment areas. NB: Attachment B shall take precedence over the legal descriptions cited above as it is unclear whether all these sites are affected by the rezoning (copied from Submission Point 338.2); AND Apply an urban growth boundary to the land zoned low density residential, as defined by Attachment B to the submission.	Stream 13 Queenstown	Wakatipu Basin	Those parts of Submission Points 338.2, 338.3 and 338.4 which apply to land now included in the Wakatipu Basin Variation, which lies generally within the Rural Landscape Classification on Map 31.
Map 31 - Lower Shotover as it relates to the Stage 1 PDP map being varied	310.1		Jon Waterston	Submitter seeks an extension to the Rural Residential zoning (see attached map - including the eastern portions of lots Proposed Lots 9 and 10 of Proposed Lot 1 DP 366504 and other portions of the subject land, being LOT 20 DP 464459 HAVING 3/11 SH IN LOTS 18-19 DP 430336) beyond the existing Ferry Hills Sub-Zone to resolve minor split zonings across lots and to enable additional rural residential development on an area of land which is difficult to farm productively.	Transferred in hearing stream 13 to hearing stream 14 (Wakatipu Basin Mapping)	Wakatipu Basin	Those parts of Submission Points 310.1 and 310.3 which apply to land now included in the Wakatipu Basin Variation, which lies generally within the Rural Landscape Classification on Map 31.

Map 31 - Lower Shotover as it relates to the Stage 1 PDP map being varied	396.4		James Canning Muspratt	Submitter opposes the zoning of part of the submitter's land (legally described as Lot 1 and 2 DP 486552) being that part of the land west and north of the Outstanding Natural Landscape line shown in proposed planning Map 31 and submits it is rezoned to Rural Residential. Copied from points 396.2 and 396.3.	Stream 13 Queenstown	Wakatipu Basin	Those parts of Submission Points 396.4 which apply to land now included in the Wakatipu Basin Variation, which lies generally within the Rural Landscape Classification on Map 31.
Map 31 - Lower Shotover as it relates to the Stage 1 PDP map being varied	467.1		Mr Scott Conway	Submitter owns land on Tucker Beach Road, Lower Shotover, which adjoins the Quail Rise Zone to the east and south east, shown on the Proposed District Plan Map 31 - Lower Shotover. Opposes the proposed Rural Zoning of the subject land identified in the submission. Seeks that land identified on the map attached to the submission be rezoned as Rural Residential. Requests Planning Map 31 be amended to reflect this.	Transferred to hearing stream 14 (Wakatipu Basin Mapping)	Wakatipu Basin	Those parts of Submission Points 467.1 which apply to land now included in the Wakatipu Basin Variation, which lies generally within the Rural Landscape Classification on Map 31.
Map 31 - Lower Shotover as it relates to the Stage 1 PDP map being varied	500.1		Mr David Broomfield	Submitter owns land on Tucker Beach Road, Lower Shotover, which adjoins the Quail Rise Zone to the east and south east (including Lot 1 DP 473899, Lot 3 DP 473899, and Lot 10 473899). Opposes the proposed zoning of the submitters properties (and those adjoining my properties identified in Attachment 1) as Rural zone and Ferry Hill rural Residential Subzone identified on Planning Map 31 – Lower Shotover. Requests that proposed Planning Map 31 – Lower Shotover is amended to change the zoning of the specific area identified within 'Attachment 1: Proposed Rural Residential Zone Location Map' to Rural Residential.	Transferred to hearing stream 14 (Wakatipu Basin Mapping)	Wakatipu Basin	Those parts of Submission Point 500.1 which apply to land now included in the Wakatipu Basin Variation, which lies generally within the Rural Landscape Classification on Map 31.
Map 31 - Lower Shotover as it relates to the Stage 1 PDP map being varied	473.1		Mr Richard Hanson	Submitter owns land on Tucker Beach Road, Lower Shotover, which adjoins the Quail Rise Zone to the east and south east, shown on the Proposed District Plan Map 31 - Lower Shotover. Opposes the proposed Rural Zoning of the subject land identified in the submission. Seeks that land identified on the map attached to the submission be rezoned as Rural Residential. Requests Planning Map 31 be amended to reflect this.	Transferred to hearing stream 14 (Wakatipu Basin Mapping)	Wakatipu Basin	Those parts of Submission Points 473.1, 473.2, 473.4 and 473.5 which apply to land now included in the Wakatipu Basin Variation, which lies generally within the Rural Landscape Classification on Map 31.
Map 31 - Lower Shotover as it relates to the Stage 1 PDP map being varied	473.2		Mr Richard Hanson	Submitter owns land on Tucker Beach Road, Lower Shotover, which adjoins the Quail Rise Zone to the east and south east, shown on the Proposed District Plan Map 31 - Lower Shotover. Opposes the proposed Rural Zoning of the subject land identified in the submission. Seeks that land identified on the map attached to the submission be rezoned as Rural Residential.	Transferred to hearing stream 14 (Wakatipu Basin Mapping)	Wakatipu Basin	Those parts of Submission Points 473.1, 473.2, 473.4 and 473.5 which apply to land now included in the Wakatipu Basin Variation, which lies generally within the Rural Landscape Classification on Map 31.
Maps 8 and 17 as it relates to the Stage 1 PDP map being varied	384.2		Glen Dene Ltd	We submit that the Hawea Campground, including underlying the campground designation 175, be rezoned to Rural Visitor Zone.	Stream 12 Upper Clutha	Open Space and Recreation	Those parts of Submission Point 384.2 which apply to land now included in the Open Space and Recreation Zone, which lies within QLDC owned land legally described as Pt Section 2 Blk Lower Hawea Survey District on Maps 8 and 17.

<p>Maps 8 and 17 as it relates to the Stage 1 PDP map being varied</p>	<p>282.3</p>		<p>Sarah Burdon</p>	<p>Currently the zoning of the camp and surrounding land – approximately 23 hectares is zoned Rural General. We support that this area, including underlying the campground designation 175, be rezoned to Rural Visitor Zone and that the area be planned for future development which can be done in stages. That the classification ONL be removed from the Lake Hawea Holiday Park (shown on Proposed Planning Map 17) and surrounding area ~23 ha. This area should be considered as being within the Rural Landscape Classification. Would like to see Designation 175 extended to cover campground operations and facilities which extend over both Pt Sec 2 Block II Lower Hawea Survey District parcel so that the whole campground (15.7 hectares) is designated for Motor Park not just Part.</p>	<p>Stream 12 Upper Clutha</p>	<p>Open Space and Recreation</p>	<p>Those parts of Submission Point 282.3 which apply to land now included in the Open Space and Recreation Zone, which lies within QLDC owned land legally described as Pt Section 2 Blk Lower Hawea Survey District on Maps 8 and 17.</p>
<p>Map 31 as it relates to the Stage 1 PDP map being varied</p>	<p>476.2</p>		<p>Keith Hindle & Dayle Wright</p>	<p>Opposes the proposed zoning of the submitters property at Tucker Beach Road, Lower Shotover (Lot 13 DP 351483 and Lot 1 DP 454484) (and those adjoining properties as identified in Attachment 1 of the submission) as Rural and Rural Lifestyle identified on Planning Map 31 – Lower Shotover. Requests that this land be re-zoned to Rural Residential zone with a minimum lot size of 3000m2. Amend proposed Planning Map 31 – Lower Shotover to identify the specific area identified within Attachment 1: Proposed Rural Residential Zone Location Map</p>	<p>Stream 13 Queenstown</p>	<p>Wakatipu Basin</p>	<p>Those parts of Submission Points 476.1 and 476.2 which apply to land now included in the Wakatipu Basin Variation, which lies generally within the Rural Landscape Classification on Map 31.</p>