

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of the Queenstown Lakes
Proposed District Plan

**FIRST MINUTE CONCERNING MEMORANDUM OF COUNSEL ADVISING ON
MATTERS RELATED TO STAGE 2 OF THE PDP**

Introduction

1. First, we thank the Council for the informative advice regarding the notification of Stage 2 of the PDP and the Variations to Stage 1 provisions that were notified on 23 November 2017.
2. Each of the Hearing Panel report authors is checking to determine the extent to which reports drafted to-date need to be amended, and whether any anomalies or uncertainties arise. This Minute deals with matters arising in relation to submissions and further submissions on Chapter 22 and an issue relating to a submission heard in Stream 13: Queenstown Mapping.

Chapter 22

3. In Appendix B to the Memorandum the Council has helpfully listed submissions which, we understand from paragraphs 16 and 17 of the Memorandum, we should not make recommendations on as they are deemed by Clause 16B(1) of the First Schedule to the Act to be submissions on proposed Chapter 24 – Wakatipu Basin.
4. We wish to bring to the Council's attention one submission which we consider has been incorrectly included in this list, and several other submissions which should have been included but appear to have been overlooked.
5. Submission 328.3 sought the removal of the requirement for a 2 ha average density in the Rural Lifestyle Zone as required by notified Rule 22.5.12.3. This submission is included in Appendix B. We think this submission may have been included in error. Mr Gutzewitz's land is located south of the Kawarau River outside of the area affected by the proposed Wakatipu Basin Zone. In addition, the Stream 13 Hearing Panel heard Mr Gutzewitz's submission on the zoning of his land and the density applicable to it on 29 August 2017.
6. In drafting the Report on Chapter 22 it has become apparent that two submissions (and several further submissions) in relation to the Rural Residential Zone were

actually specifically seeking amendments to the rules applying in the area north of Lake Hayes, which has special provisions applying under the Operative District Plan. We consider these submissions fall in the category of those deemed by Clause 16B(1) to be submissions on proposed Chapter 24. Those submissions are: 26.2, 674.4 and 674.5. The relevant further submissions are: FS1050.5, FS1050.6, FS1082.4, FS1082.5, FS1089.5, FS1089.6, FS1146.4, FS1146.5, FS1255.7 and FS1255.8.

7. Submission 669.20 was wrongly coded as being to Rule 22.5.11, when examination of the relief shows it was clearly in relation Rule 22.5.12. Submissions 228.1, 546.4, 554.4, 557.3 and 594.4 were all coded to Chapter 22, but all were seeking removal of the 2 ha average density requirement. It appears to us that all of these are also deemed to be submissions on proposed Chapter 24.
8. We ask that the Council confirm these submissions should be dealt with as we have suggested, or advise how they are to be dealt with.

Stream 13 Mapping

9. Submission 476 sought that the Rural Residential Zone be applied to land located in Tucker Beach Road. The land in question is shown both in the original submission and on page 91 of Ms K Banks' Section 42A Report (1B).
10. Map 31, showing the application of the Wakatipu Basin Zone, shows part, but not all, of the land that Submission 476 relates to as Wakatipu Basin Lifestyle Precinct. The remaining land, which appears to comprise two sites, is left blank.
11. We request confirmation that this was intentional by the Council and we should continue to make a recommendation on that part of the land subject to Submission 476 that is not subject to the Wakatipu Basin Lifestyle Precinct.

Timing

12. We ask that the Council respond to this Minute by Friday 8 December 2017.

For the Hearing Panel



Denis Nugent (Chair)

27 November 2017