

Memorandum

Date 27 February 2017
Matter no. 16006137
To District Plan Hearing Panel
From Warwick Goldsmith, Counsel for Oasis in the Basin
Subject Clarification as to Hearing Stream for Submissions 338 and 501

- 1 The Hearing Panel's Minute dated 7 February 2017 advised that the Hearing Panel proposes to hear all submissions seeking amendments to the Planning Maps within the Wakatipu Ward, excluding the area subject to the Study. This Memo requests clarification (about which Hearing Stream will apply) in respect of two submissions which appear to straddle the boundary of the Wakatipu Basin Planning Study (**Study**).
- 2 This Memo relates to the submission by Middleton Family Trust (Submitter 338) and the submission by Woodlot Properties Limited (Submitter 501), each of which seeks changes to the Planning Maps in relation to land in the area of Lake Johnson and Tucker Beach Road. Oasis in the Basin is a Further Submitter to each of those two primary submissions.
- 3 The following plans are attached to this Memo:
 - (a) Marked 'A' – A plan attached to the Middleton Family Trust Submission 338 which identifies proposed changes to the Planning Maps in respect of land between the northern end of Lake Johnson and Tucker Beach Road;
 - (b) Marked 'B' – The plan attached to Submission 501 by Woodlot Properties Limited which identifies proposed changes to the Planning Maps applicable to the land surrounding Lake Johnson.
 - (c) Marked 'C' – The plan which delineates the area subject to the Study.
- 4 It is clear from the attached Maps that the areas of land subject to the Middleton Family Trust and Woodlot Properties Limited submissions respectively include land which is mostly, but not entirely, outside the area subject to the Study. Each submission includes a small area of land near Tucker Beach Road which is within the area subject to the Study.
- 5 In case it may assist the Panel to consider the issues raised in this Memo, Counsel submits that:
 - (a) It is clear from attached Plans A and B that the very significant majority of the land subject to the two submissions has been notified as Landscape Category ONL. All of that ONL land is outside the area subject to the Study, so it can be reasonably be assumed that the Study will not address that land. It is therefore difficult to see how the Study could assist the Hearing Panel in determining the appropriate zoning of that ONL land. That suggests that little would be achieved by delaying consideration of these submissions (insofar as they relate to the ONL land) until the later Hearing Stream which will deal with the Wakatipu Basin.
 - (b) The Middleton Submission 338 includes provision for a major new road accessed off the Frankton Flats. That Frankton Flats access point is subject to rezoning and submissions relating to the Frankton Flats which will be dealt with in the earlier Hearing Stream

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excluding the Wakatipu Basin. That suggests this roading access issue should be addressed at the same time as those other relevant Frankton Flats submissions.

- (c) The small area of Rural zoned RLC land adjoining Tucker Beach Road which is subject to these two submissions and which is also located within the area subject to the Study is requested to be zoned Rural Residential, with access off Tucker Beach Road, under both submissions. Oasis in the Basin does not oppose the rezoning of that land from Rural RLC to Rural Residential, as the rezoning of that land does not affect the issues raised in the Further Submissions lodged by Oasis in the Basin. That suggests that the appropriate zoning of that land could easily be dealt with (along with the ONL land) in the earlier Hearing Stream which excludes the Wakatipu Basin. Alternatively that small area could perhaps be 'carved out' and dealt with, separately from the ONL land, in the later Hearing Stream which deals with the Wakatipu Basin.
 - (d) There is a minor ONL boundary location issue raised in the Middleton Submission (refer paragraphs 3.14-3.17 and Attachment [C] of the Middleton Submission) which could easily be addressed and resolved in the earlier Hearing Stream (excluding the Wakatipu Basin) whichever option under (c) above was chosen.
 - (e) For the reasons detailed in (a)-(d) above, the Hearing Panel may consider it appropriate to deal with Submissions 338 and 501 (and related Further Submissions) during the earlier Hearing Stream which excludes the Wakatipu Basin, either in their entirety or possibly just excluding the smaller area of Rural RLC land which is located within the area subject to the Study.
- 6 There may also be a wider issue at stake here, to the extent that this Memo may presage a future debate about how the Hearings Panel may deal with submissions potentially affected by the Study:
- (a) There seems to be at least a possibility that the Study may result in a variation being notified to the Proposed District Plan. Assuming that may be the case, it will create complications for the District Plan Review process, including the exact delineation of the area subject to any such variation. Any such variation will also result in additional effort and costs for submitters to the Review who then have to resubmit to a new variation process;
 - (b) Under those circumstances it may be appropriate for the Hearing Panel to seek to minimise the number of Submissions which may get caught up in that separate variation process;
 - (c) The Hearings Panel has power to determine its own procedures, and will therefore presumably have power to determine which Submissions should go to hearing regardless of any such variation process and which should be put on hold until the variation process catches up;
 - (d) It may be, for example, that the Hearings Panel decides that Submissions seeking a rezoning could proceed to hearing regardless of a variation which might only address the zoning (and related objectives, policies and rules) of the current RLC Rural land in the Basin but may not deal with individual zonings;
 - (e) In any event Counsel assumes that the Hearing Panel would seek to minimise the extent of confusion and resubmission that might arise from any such variation process. That consideration could be relevant to this Memo.

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- 7 Accordingly Counsel requests clarification from the Hearing Panel as to which Hearing Stream (and which timetable) will deal with Submissions 338 and 501 which seek amendments to the Planning Maps.

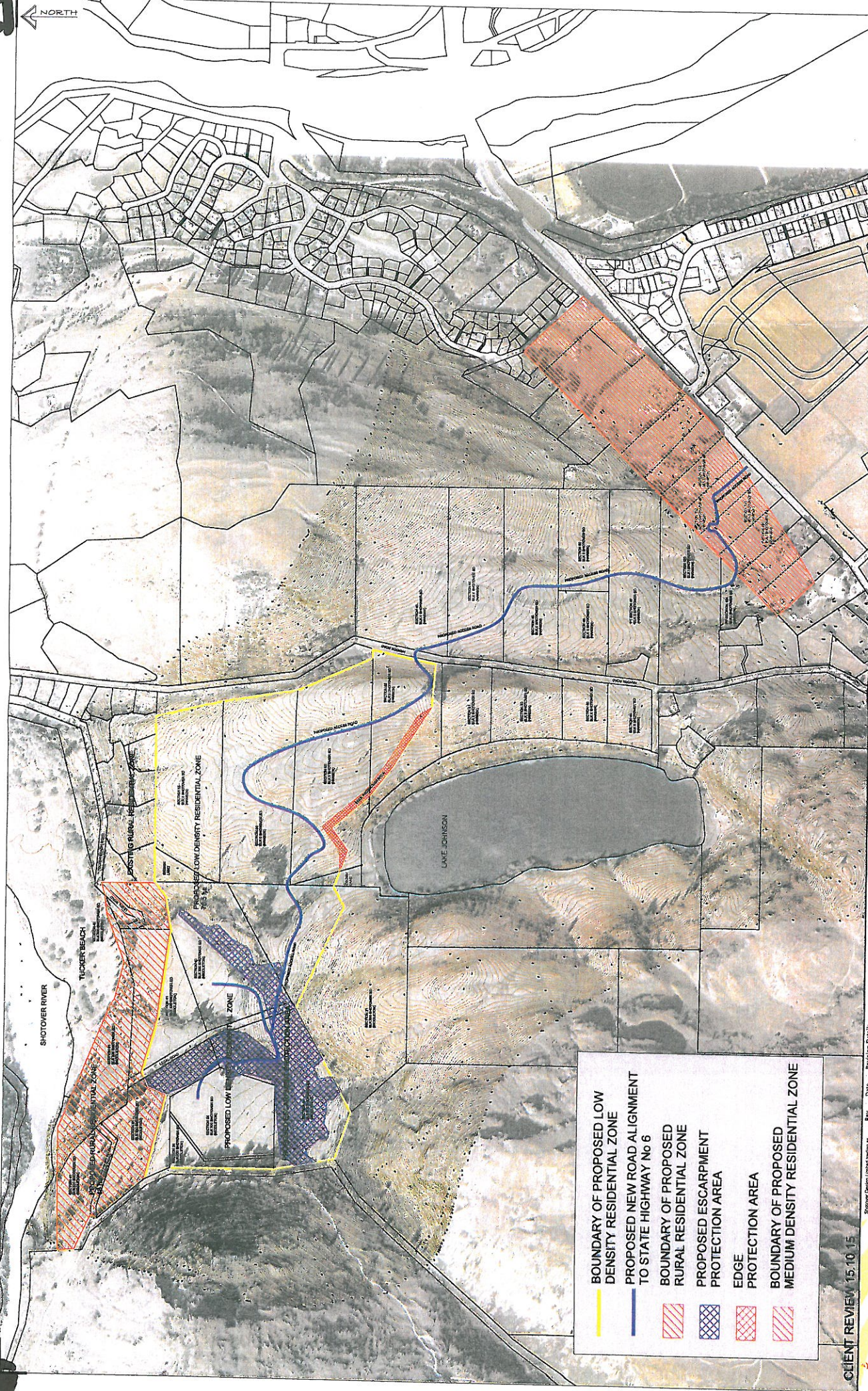
Dated 27 February 2017



W Goldsmith
Counsel for Oasis in the Basin

A

NORTH



- BOUNDARY OF PROPOSED LOW DENSITY RESIDENTIAL ZONE
- PROPOSED NEW ROAD ALIGNMENT TO STATE HIGHWAY No 6
- BOUNDARY OF PROPOSED RURAL RESIDENTIAL ZONE
- PROPOSED ESCARPMENT PROTECTION AREA
- EDGE PROTECTION AREA
- BOUNDARY OF PROPOSED MEDIUM DENSITY RESIDENTIAL ZONE

CLIENT REVIEW 15.10.15

Revised Details
 Rev. Date
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 Land Development - Planning Consultants
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 Shop 2, Origo House, 475 Morea Place, P.O. Box 5960
 Tel. (03) 470 1582, Fax (03) 470 1583, Email admin@cfma.co.nz

Client: MIDDLETON FAMILY TRUST
 Drawn: NM
 Checked: NM
 Date: 15.10.15
 Scale: 1:1000
 Date: 29.08.10
 Job No.: 11435
 Drawing No.: 01



Notes:
 All dimensions shown are in meters unless shown otherwise.
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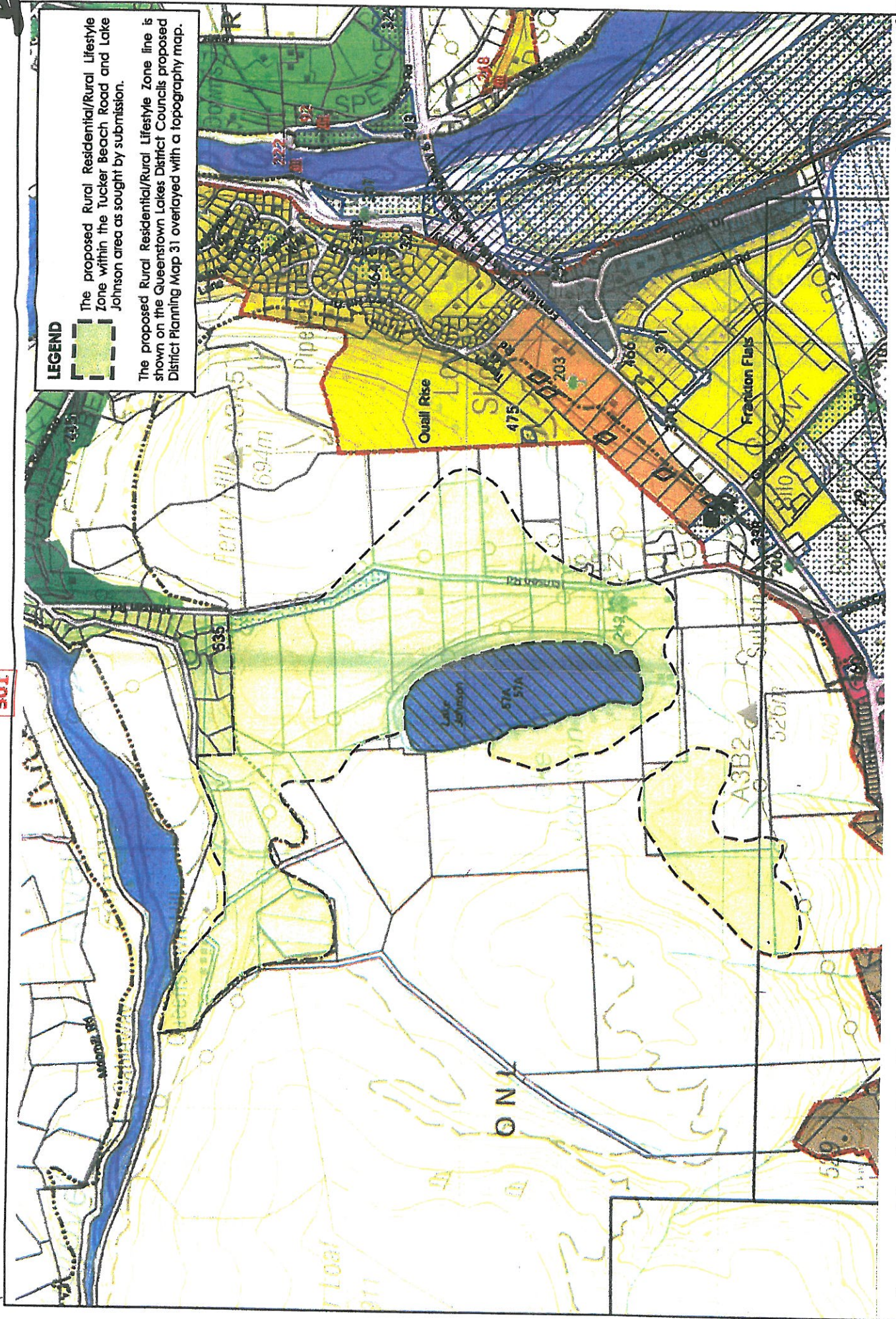
PLAN OF PROPOSED LOW DENSITY RESIDENTIAL ZONE AND RURAL RESIDENTIAL ZONE, AND NEW ACCESS ROADING

A

501

LEGEND

 The proposed Rural Residential/Rural Lifestyle Zone within the Tucker Beach Road and Lake Johnson area as sought by submission.
 The proposed Rural Residential/Rural Lifestyle Zone line is shown on the Queenstown Lakes District Councils proposed District Planning Map 31 overlaid with a topography map.



Proposed Rural Residential / Rural Lifestyle Zone Line - Tucker Beach Road / Lake Johnson, Queenstown



REF: 1047 - PRELIM
 DATE: 22.10.2015
 SCALE: NOT TO SCALE

B

B

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10

