

**Before Independent Hearing Commissioners  
In Queenstown**

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Under the Resource Management Act 1991 (the Act)

In the matter of the Proposed Queenstown Lakes District Plan

and Chapter 37: Chapter 37 Designations (General)

and The New Zealand Transport Agency  
Submitter 719

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**Reply submissions on behalf of the New Zealand Transport Agency  
(719) in relation to Stage 1: Chapter 37 Designations (General)**

Dated 31 October 2016

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## 1 Introduction

1.1 These legal submissions are filed on behalf of the New Zealand Transport Agency ('**Agency**') in relation to Stage 1: Chapter 37 Designations (General) of the Proposed Queenstown Lakes District Plan ('**Proposed Plan**').

1.2 The submissions are filed in accordance with the Commissioner's Minute of 28 September 2016. In particular, they address the legal submissions<sup>1</sup> of the Queenstown Lakes District Council ('**Council**') and evidence of Rebecca Holden, both presented to the Hearings Panel on 21 October 2016.

## 2 The proposed process for considering the Agency's late submission

2.1 On 19 October 2016 the Agency filed a late submission on the Designation Chapter of the Proposed Plan. The Hearing Panel Chair issued a decision<sup>2</sup> on the same day ('**Waiver Decision**'), waiving the time period and directing that the Council notify the submission under clause 7 of the First Schedule to the Resource Management Act 1991.

2.2 Paragraph 3.4 of the Council's legal submissions sets out a process to be followed in respect of the Agency's late submission.

2.3 The Agency agrees with the process proposed by the Council, except in the following respect:

- a Clause 7 of the First Schedule does not require the Council to serve the submission on all persons who in the Council's opinion may be directly affected by the matters contained in the submission;
- b Paragraphs 8 and 11 of the Waiver Decision discuss the need to notify the submission under clause 7, but the Waiver Decision does not indicate any need to notify directly affected persons;
- c In any event, the changes sought in the late submission reflect the present reality, and so will not impose any new effects on any person;
- d In addition, no private property will be affected by the corrected designations, and therefore no person (other than the Agency and Crown) will be directly affected.

<sup>1</sup> Dated 20 October 2016 and presented on 21 October 2016.

<sup>2</sup> Decision on application for waiver of time to lodge submission, 19 October 2016.

### 3 Evidence of Ms Holden

3.1 The evidence of Ms Holden presented on 21 October 2016 addressed some, but not all, of the relief requested in the evidence of Mr MacColl.

3.2 The Agency agrees with the following points in Ms Holden's evidence:

- a At paragraph 12 of her evidence, Ms Holden gives her reasons for not recommending removal of the definition of 'SH6 Roundabout Works' from Chapter 2 – Definitions of the PDP. The Agency has considered these reasons, and no longer seeks the deletion of this definition.
- b At paragraph 13 of her evidence, Ms Holden agrees state highway designations should be consistently labelled on the Proposed Plan maps, and her Appendix A provides an example of how this labelling would look on larger scale maps (she provides Map 33 as an example). The Agency agrees with the designation being shown using a blue outline and filled with dots (as shown in Ms Holden's Appendix), so long as the area outlined and filled includes the entire designated area, not just the carriageway.
- c At paragraph 14 of her evidence, Ms Holden agreed with Mr MacColl that the reference to Planning Map 24b in Schedule 37.2 for Designation #84 should be retained, and that Planning Map 24b should be amended to show Designation #84.

3.3 The following amendments were not discussed in the evidence of Ms Holden, but are still sought by the Agency:

- a The Agency requests that consistent labelling is used to show the state highway designations on the smaller scale Proposed Plan maps. Specifically:
  - i the entire designated area should be shown with red and black markings;<sup>3</sup> and
  - ii The legend for these smaller scale maps (and the general District Plan Map legend) should be amended to indicate that red and black markings show "State Highways (designated)";

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<sup>3</sup> Evidence of Tony MacColl, Annexures J, 7 October 2016.

- b The Agency requests that Planning Maps 24 and 31 are added to Schedule 37.2 for Designation #84 and that Planning Map 38 is removed from the same schedule.<sup>4</sup>

#### 4 Summary of relief sought

4.1 The Transport Agency asks the Panel to recommend that:

- a Notification of the Agency's late submission is limited to public notification and persons who made a submission on the Proposed Plan, for the reasons in paragraph 2.3 above;
- b The Proposed Plan maps and Schedule 37.2 for Designation #84 are amended as agreed by Ms Holden and the Mr MacColl, described at paragraph 3.2 above;
- c The Proposed Plan maps and Schedule 37.2 for Designation #84 are amended as requested by the Agency, described at paragraph 3.3 above.

Dated 31 October 2016



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<sup>4</sup> Evidence of Tony MacColl, Annexure J, 7 October 2016.