

**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 11 DECEMBER 2017
(RELATING TO UPPER CLUTHA HEARING STREAM 12)**

13 December 2017

 **Simpson Grierson**
Barristers & Solicitors

S J Scott / C J McCallum
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 the Queenstown Lakes District Council (**Council**) in response to the Minute of the Hearing Panel (**Panel**) dated 11 December 2017 (**Minute**), which sought clarification of issues relating to Stage 2 of the Proposed District Plan (**PDP**) and specifically to the Upper Clutha Mapping Stream.

Submissions listed in paragraph 2 of Minute

2. In response to paragraph 9 of the Minute, the Council confirms that the Panel needs to make recommendations on all listed submission points at paragraph 2 of the Minute, because they are not 'on' a PDP provision (or relevantly, an area of land on the planning maps) that has been varied and therefore there is no legal capacity for them to be transferred over and heard alongside the variation.
3. The reason the Panel needs to make these recommendations in Stage 1 is not because it could/could not grant a submission in full, as suggested by the Panel in paragraph 9.
4. In regards to the Panel's concern regarding uncertainty on the submitters' behalf, the Council's position in Stream 12 was that the Panel needed to make recommendations (and consequentially the Council needed to make a decision) on these rezoning submissions in Stage 1, and that any interested submitters would need to make a new submission in Stage 2. That position has not changed through the Council's notification of Stage 2 of the PDP. Relevant submitters are already on notice that Council's recommendations in all relevant instances, is to reject the listed rezoning submissions.
5. Any interested persons will need to make a decision as to whether they wish to make a submission in Stage 2, a decision which will likely take into account amongst other things, the notified Stage 2 Visitor Accommodation and the s 32 evaluation report which are now available for consideration, and the Council's position on the rezoning submissions in Stage 1.

Glen Dene (384) and Sarah Burdon (282)

6. Glen Dene (384) and Sarah Burdon (282) sought Rural Visitor zone over land at the Hāwea campground and surrounds in Stage 1. Part of the land subject to

those rezoning submissions, as shown on **Appendix 1** in blue (i.e. Lot 1 DP418972, part of Section 1 SO 24546 and Pt 2 Sec Blk II Lower Hawea SD), has been notified in Stage 2 as Open Space and Recreation Community Purpose Camping Sub Zone.

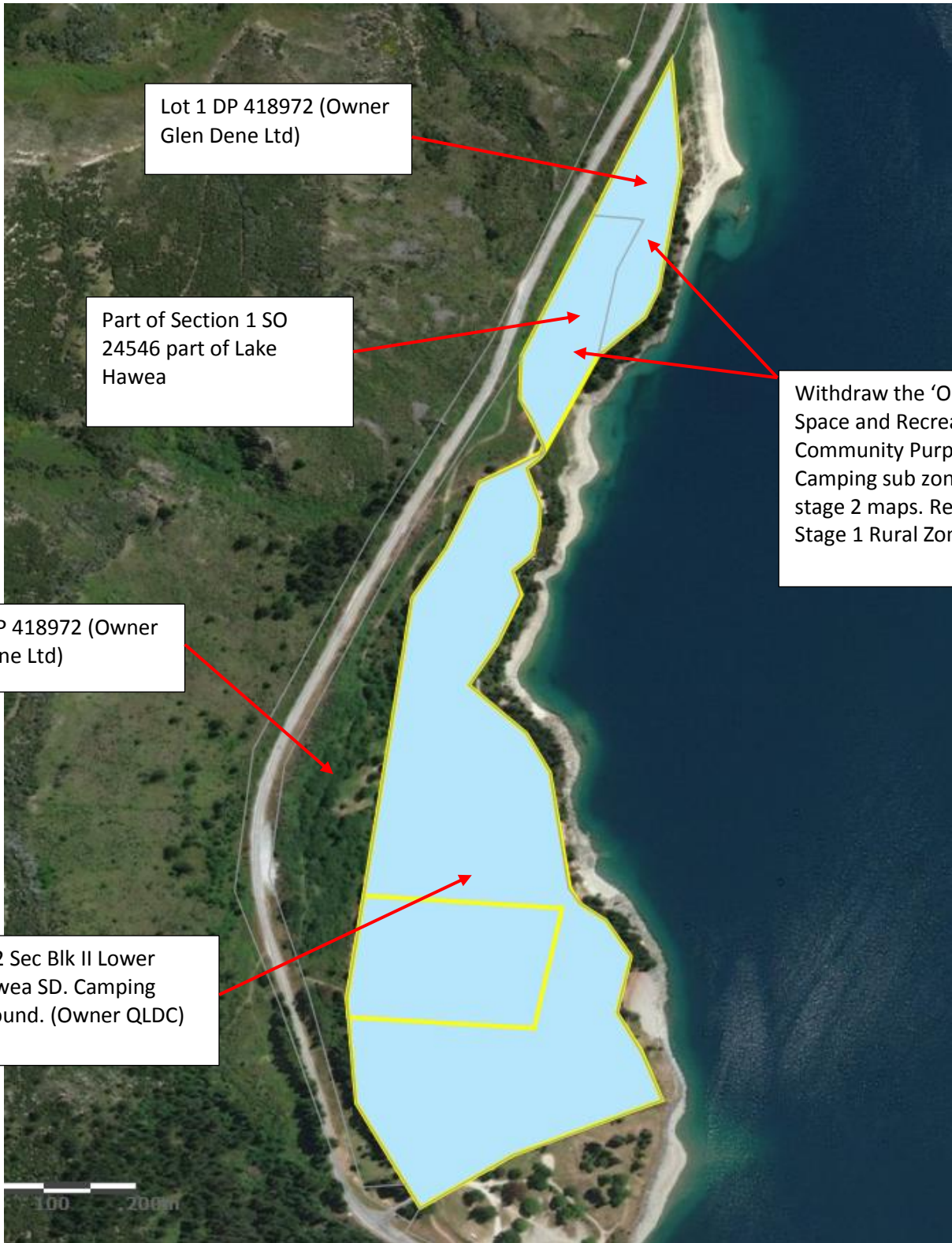
7. In response to paragraph 10 of the Minute, the Panel must make recommendations on any parts of the Glen Dene and Sarah Burdon land submitted on in Stage 1, that is not subject to the variation. We therefore concur with the Panel at its paragraph 10 of the Minute.
8. It has however, come to the Council's attention that part of Glen Dene Limited's land subject to the Stage 1 rezoning submission has been incorrectly notified as Open Space and Recreation; Community Purpose Camping Sub Zone in Stage 2. Specifically, the land in question consists of Lot 1 DP 418972 and part of Section 1 SO 24546, as identified in **Appendix 1**. Council Officers' intention is to seek a decision from the Council in early February 2018, that the Open Space and Recreation: Community Purpose Camping Sub Zone be withdrawn under clause 8D of the First Schedule of the RMA, from Lot 1 DP 418972 and part of Section 1 SO 24546, and consequently this land will revert back to its Stage 1 zoning of Rural.
9. Council officers' intentions are to have this withdrawal confirmed, prior to the Panel issuing its recommendations, and therefore seek that the Panel continue to consider its recommendations on the basis that Lot 1 DP 418972 and part of Section 1 SO 24546 is not affected by the variation.
10. Following this withdrawal, the land affected by the variation in the vicinity of the Hāwea campground and surrounds, is as shown in **Appendix 2**.

DATED this 13th day of December 2017



S J Scott / C J McCallum
Counsel for Queenstown Lakes District
Council

APPENDIX 1



Lot 1 DP 418972 (Owner
Glen Dene Ltd)

Part of Section 1 SO
24546 part of Lake
Hawea

Withdraw the 'Open
Space and Recreation
Community Purpose
Camping sub zone'
from stage 2 maps. Revert to
Stage 1 Rural Zone.

Lot 2 DP 418972 (Owner
Glen Dene Ltd)

Pt 2 Sec Blk II Lower
Hawea SD. Camping
Ground. (Owner QLDC)

Excerpt of PDP Stage 2 zoning maps.

APPENDIX 2



Land (highlighted yellow) to be retained as Stage 2 Open Space and Recreation Zone: Community Purpose Camping sub Zone.

Pt 2 Sec Blk II Lower Hawea SD. Camping Ground. (Owner QLDC).