

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes District proposed District Plan Stream 15

MEMORANDUM REGARDING SUBMISSIONS 'ON' STAGE 2 OF THE PDP

Kirmoko No. 2 Limited Partnership (#2405.1)

23 July 2018

MAY IT PLEASE THE PANEL

Introduction

1. This memorandum is presented on behalf of Kirimoko No.2 Limited Partnership (KLP2) in response to the Chair's Minute dated 14 July 2018.
2. This memorandum provides reasons as to why the Kirimoko No.2 Limited Partnership submission 2405.1 should not be struck out under clause 41D of the Act, as the submission is considered to be 'on' Stage 2 of the Proposed District Plan (PDP).

Discussion

3. The submission from KLP2 seeks that land contained within areas of Wanaka known as Sticky Forest and Kirimoko (in part) be rezoned from Rural to Nature Conservation or Informal Recreation Zones.
4. Queenstown Lakes District Council have asked the Hearings Panel to strike out the KLP2 submission because it is their opinion it is not 'on' Stage 2 of the PDP and the Panel therefore does not have jurisdiction to consider the submission. The reasons given are:

"The Stage 1 PDP decision has zoned this land Rural, and it was whited out on the Stage 1 plan maps. This land was considered in detail in Stage 1, in response to the submission by Beresford in relation to Sticky Forest. Also of relevance is that the Beresfords have not lodged a further submission on this rezoning. This suggests that they were not aware of the Stage 2 submission by Kirimoko No. 2 Limited Partnership".

5. Of particular relevance to the assessment of this matter is the fact that the majority of the land affected by the proposed Nature Conservation and Informal Recreation Zones was notified in the PDP Stage 1 planning maps with a different zone type, typically the rural zone or low density suburban zone. An example is shown on the maps attached as appendix 1. If the Council is correct in its complaint that land zoned in stage 1 cannot be the subject of stage 2 then that would have wider implications for stage 2 than simply KLP2's submission.
6. Where the new zones in the Open Space chapter replace a zone notified in Stage 1, the new zones are a variation to the PDP (Stage 1) planning maps. It should therefore follow down that given most of the land effected by the Nature Conservation and Informal Recreation Zones sits over Stage 1 land there should be an ability to amend and / or extend the zones across areas of Stage 1 land through the submission process. It would seem unreasonable that the Council's proposed variation to Stage 1 zoning should not extend to submitters seeking amendments to the extent of these zones. The area of land subject to the KLP2 submission directly adjoins the proposed Nature Conservation Zone of the Wanaka lake margin and the Informal Recreation Zone on the eastern edge of the Peninsula Bay subdivision. The proposed zoning sought by KLP2 is an extension of this zoning.
7. The second component of the Council's reasoning to strike out this submission is on the basis that Mr Beresford who lodged a submission relating to part of this land under Stage 1 of the PDP did not lodge a further submission on the KLP2 submission. That point suggests that Mr Beresford did not consult the summary of submissions sufficiently carefully. A similar point was not found to be compelling at stage 1 in where no person lodged a further submission on Mr Beresford's submission to rezone Sticky Forest for residential development, and an application

for waiver of time for a late further submission was declined¹. The KLP2 submission has been publicly notified and summarised the same way as all other Stage 2 submissions, giving it the same opportunities for further submission as any other rezoning proposal. Mr Beresford and his consultant team were never precluded from participation in this process and were given an equal opportunity to lodge a further submission on this matter. The fact that no further submission was received should not be used as a reason to strike on this submission.

8. The Council’s memorandum (paragraph 6) suggests that the underlying (stage 1) zoning had been fully evaluated at stage 1 and so there is nothing to be gained from re-evaluation at stage 2. Although that point seems to be made in relation to the appendix 2 submissions, KLP2 infers that the same point is really being made about the appendix 1 submissions (inclusive of KLP2) as well. In response, KLP2 says that the zone options evaluated at stage 1 were only the zone options that formed part of that stage, or were then raised in submissions. For obvious reasons the palette of stage 2 zone options did not form part of that evaluation. So, in the case of Sticky Forest and Kirimoko, no evaluation has been made about whether Rural Zone provisions (as upheld by the Commission at stage 1) are the “most appropriate”² when compared with the Nature Conservation or Informal Recreation Zones provisions. If KLP2’s submission is struck out, that opportunity will be lost.
9. It is also worth highlighting that the KLP2 submission identified some synergies with the rezoning submission by Mr Beresford. Mr Beresford submission was amended during the Stage 1 PDP hearing to seek 20ha of Low Density Residential zoning with the remaining 30ha to be vested as a Community reserve. Mr Beresford has lodged an appeal. The KLP2 submission provides an appropriate zoning to achieve this aspect of the Beresford submission, should it succeed on appeal.
10. This particular matter does highlight the complexities of a staged District Plan review. However, this should not be a reason to strike out this submission. To deny the opportunity to hear and assess this submission would be prejudicial.



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Ian Greaves (on behalf of Kirimoko No.2 Limited Partnership)

23 July 2018

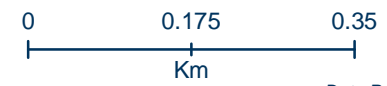
¹ Decision on application for waiver of time to lodge further submission dated 26 February 2017, paragraph 14.
² Section 32(1).



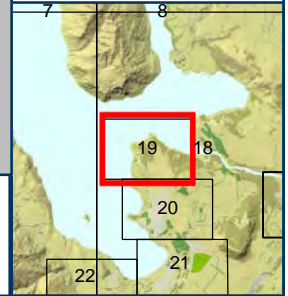
- Legend**
- Parcel/Road Boundary
 - Landscape Classification (ONF, ONL, RLC)
 - Urban Growth Boundary
 - Unformed Roads
 - Designated Areas
 - Building Restriction
 - Plan Change Boundary
 - Low Density Residential
 - Large Lot Residential
 - Rural
 - Water (zoned Rural unless otherwise shown)
 - Penrith Park Vegetation Area A
 - Penrith Park Vegetation Area B
 - Penrith Park Visual Amenity Area
 - Rural General (Operative)
 - Open Space Zone (Operative)
 - Special Zones (Operative)



Proposed District Plan Map 19 - Beacon Point



Date Published: 6/13/2016



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- Legend**
- Parcel/Road Boundary
 - Unformed Roads
 - Water (zoned Rural unless otherwise shown)
 - Zones excluded from Stages 1 and 2 of the District Plan Review
 - New Road Parcels
 - Informal Recreation
 - Nature Conservation

All Stage 1 and Stage 2 land is subject to the District Wide Earthworks Chapter 25, Transport Chapter 29 and Signs Chapter 31.

The District Wide Annotations notified in Stage 1 remain applicable to all Stage 1 and Stage 2 land. Refer to the Proposed District Plan Maps for the location of the District Wide annotations. Specifically the Open Space and Recreation Zoned land that was not notified in Stage 1 is subject to the District Wide annotations and submissions can be made on a District Wide annotation that affects this land.

The Council has identified where the proposed Visitor Accommodation Sub Zones are to be located. Any person may make a submission on the location and extent of Visitor Accommodation Sub Zones as it relates to Stage 1 and Stage 2 land.

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