

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS PANEL

UNDER the Resource Management Act 1991

IN THE MATTER of the review of parts of the Queenstown Lakes District Council's District Plan under the First Schedule of the Act

AND

IN THE MATTER of submissions and further submissions by **QUEENSTOWN PARK LIMITED** and **REMARKABLES PARK LIMITED**

**SUBMISSIONS OF COUNSEL FOR QUEENSTOWN PARK LIMITED, REMARKABLES
PARK LIMITED AND SHOTOVER PARK LIMITED**

CHAPTER 27 – SUBDIVISION & DEVELOPMENT

15 JULY 2016

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1. INTRODUCTION

1.1 These submissions are made on behalf of Queenstown Park Limited (**QPL**), Remarkables Park Limited (**RPL**) and Shotover Park Limited (**SPL**).

1.2 As noted in the submissions and further submissions by QPL and RPL to the Proposed Queenstown Lakes District Plan (**PDP**):

(a) QPL owns Queenstown Park Station (formerly known as Cone Peak Station) - a 2000ha site located on the true right bank of the Kawarau River and extends to an altitude of approximately 1000masl (herein referred to as "Queenstown Park"). QPL seeks that Queenstown Park be managed by a Special Zone specific to the site, including access linkages between Queenstown Park, Remarkables Park and the Remarkables ski field (**Queenstown Park Special Zone or QPSZ**);

(b) RPL is a development company which owns 150ha of land zoned Remarkables Park Zone (**RPZ**), which provides for a town centre and mixed-use urban development in Queenstown; and

(c) SPL owns land within the Frankton Flats B Zone (**FFBZ**). It lodged further submissions supporting subdivision as a controlled activity.

1.3 QPL seeks to ensure that the subdivision provisions that apply to its land are addressed at the hearing of its site specific submission.

1.4 RPL and SPL seek to ensure that the RPZ and FFBZ are excluded from Chapter 27.

2. QUEENSTOWN PARK LIMITED

2.1 QPL seeks that consideration of the subdivision provisions that are to apply to its land be deferred to the hearing of its site specific submission.

2.2 It is understood that this approach is endorsed by the Council¹. However, the QPL submission is not listed under the "rezoning submissions" at paragraph 4.4 of Mr Bryce's section 42A report. That may be because QPL sought amendments to Chapter 27 as part of its alternative relief. However, given the clarification from the Panel regarding its approach to site specific zoning requests (that they will be heard

¹ See memorandum of counsel for Queenstown Lakes District Council dated 12 July 2016, at paragraph 5.1

within the mapping streams), QPL does not seek to advance its proposed amendments to Chapter 27 as part of the subdivision hearing stream. QPL will advance what it considers to be the appropriate subdivision regime for its land as part of the mapping streams. It is submitted that the Panel's jurisdiction when considering the QPL submission ranges from the QPSZ as sought in QPL's submission and the Rural Zone as publicly notified, provided that any "hybrid" does not offend established case law principles, such as:

- (a) The amendment does not go beyond what is reasonably and fairly raised in the submission; and
- (b) That the whole "relief package" be considered².

2.3 Having said that, QPL does not withdraw its submission or further submissions on Chapter 27 and, therefore, they can be relied upon to provide the scope for Mr Bryce's proposed amendments where they have been accepted in whole or part.

3. REMARKABLES PARK LIMITED AND SHOTOVER PARK LIMITED

3.1 RPL and SPL seek that its land be excluded from the District Plan review (specifically the RPZ and Activity Areas E1 and E2 in the FFBZ).

3.2 Mr Bryce's section 42A report deletes rule 27.4.3 (page 27-15 of Appendix 1 to the section 42A report), which expressly excluded certain zones from the proposed District Plan and the subdivision chapter. The RPZ and FFBZ were included in that list of exempt zones.

3.3 RPL and SPL oppose the deletion of rule 27.4.3. It is understood that the RPZ and FFBZ will not be included in stage 2 of the review. As such, the current operative plan will remain "alive" for the purpose of those zones (and any other zones excluded from the review).

3.4 It is also understood that certain chapters in the proposed plan will ultimately supersede the equivalent chapter in the current operative plan. For example, once operative the Strategic Directions chapter in the proposed plan will replace and effectively extinguish the District Wide chapter in the operative plan, with the consequence that the RPZ, for example, will be interpreted and applied against the Strategic Directions chapter in the proposed plan.

² **General Distributors v Waipa District Council (2008) 15 ELRNZ 59 (HC).**

3.5 That being so, once operative Chapter 27 will replace and extinguish Chapter 15 of the operative plan in its entirety unless there is an express reference in Chapter 27 that has the effect of keeping Chapter 15 alive for the purpose of specifically identified zones.

3.6 Given the above, RPL and SPL do not consider rule 27.4.3 to be redundant and seek that it be retained. It is considered however that wording of rule 27.4.3 could be improved by the following amendments:

The following zones are not ~~subject to this part of the Proposed District Plan: stage 1 (at the date of notification: 26 August 2015) and the subdivision chapter shall not apply to the following:~~

...

Subdivision in the above zones is subject to the relevant provisions of Chapter 15 of the Queenstown Lakes Operative District Plan 2009.

3.7 Counsel considers that the introductory words at 27.4.3.2 could be deleted and all excluded zones be contained in a single list.

3.8 It is noted that counsel is not aware of any submissions or further submissions that sought the deletion of this rule.

3.9 Counsel acknowledges that the difference of opinion as to the value of rule 27.4.3 might arise from differing views as to what zones are to be included in stage 2 of the plan review. RPL and SPL understand that the RPZ and FFBZ will not form part of the district plan review at all. This may need to be clarified at the hearing.

DATED the 15th day of July 2016



J D Young

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and Shotover Park Limited