

**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 PROVIDING FURTHER INFORMATION ON SUBMISSION 2460
QUEENSTOWN CENTRAL LIMITED REGARDING SCOPE**

1 May 2018

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MAY IT PLEASE THE PANEL

1. This memorandum is filed on behalf of Queenstown Lakes District Council (**Council**). Its purpose is to provide the Hearing Panel (**Panel**) and Queenstown Central Limited (**QCL**) clarification as to which parts of Submission 2460 the Council considers to not be “on” Stage 2 of the PDP, and reasons for that view.

Background

2. Council filed a memorandum on 12 April 2018 that identified submission points (listed in Appendix 1 of that memorandum) that seek to change/amend the zoning of land, and/or annotations on the plan maps over land that was *not* notified on the plan maps as part of Stage 2 of the PDP. The Council considered that as there was no change to the pre-existing status quo of land subject to these submissions through notification of Stage 2 of the PDP, these submissions were not “on” Stage 2 of the PDP.¹ Consequently, the Council would not prepare recommendations or technical evidence on those listed submissions, subject to approval from the Panel.
3. One of the identified submission points was 2460.1 made by QCL (**QCL submission**).
4. The Chair addressed the QCL submission in his Minute² in response and stated that most of the QCL submission is related to whether or not district wide provisions in Chapters 25, 29 and 31 apply to the Frankton Flats B Zone (**FFB Zone**). His preliminary view was that the provisions of those chapters do not apply to this zone, which was explicitly withdrawn from the PDP on 25 May 2017. Consequently, he considered that much more of the submission may not be “on” Stage 2 than the single issue identified by the Council.
5. Chapters 25, 29 and 31 as notified in Stage 2 of the PDP, apply to the area of land that has been notified in Stages 1 and 2 of the PDP, on the plan maps. This does not include the FFB Zone.

1 For the full explanation see the Memorandum of Counsel on behalf of the Queenstown Lakes District Council regarding a category of submissions that are not on Stage 2 of the PDP and other matters dated 12 April 2018, at paragraphs 7-14.

2 Minute regarding submissions the Council considers to not be “on” Stage 2 of the PDP dated 16 April 2018, at paragraphs 38-39, and 42.

6. The Chair sought clarification from the Council as to explicitly what parts of Submission 2460 it considers to not be “on” Stage 2 and what parts it considers to be “on” Stage 2 and the reasons for that position.

Summary

7. In summary, Council’s position remains that the following Submission Points are not considered to be “on” Stage 2 of the PDP:
- (a) 2460.1, where it relates to adding rules related to land within the FFB Zone;
 - (b) 2460.3;
 - (c) 2460.5; and
 - (d) 2460.11.

Council’s Response

8. Some parts of the QCL submission relate to whether or not district wide provisions in Chapters 25, 29 and 31 apply to the FFB Zone. The scope and application of these three District Wide chapters, as notified in Stage 2, is to the land notified on the PDP plan maps in Stages 1 and 2. The (Operative District Plan) FFB Zone has not been incorporated into (ie .notified as part of) the PDP at this point in time; it does not form part of Stages 1 or 2 of the PDP, and the ‘District Wide’ chapters in the PDP do not apply to it.
9. The equivalent District Wide chapters and/or relevant provisions in the ODP will continue to apply to the FFB Zone (along with the zone provisions, themselves) for consenting purposes. As the FFB Zone does not form part of the PDP at all, a number of the QCL submission points are not on the PDP. In addition and for the avoidance of any doubt, the FFB Zone was formally withdrawn³ from the PDP (Stage 1) in May 2017. It was not notified into the PDP in Stage 2.
10. However, QCL has also made submission points that are more generally on the text of the PDP. These submission points do not refer to the relevance of those provisions, to the area of the District identified as FFB Zone in the ODP. A person is not limited in submitting on the PDP, based on the land in which they own, or hold an interest for example. These submission points are not location

3 Withdrawn pursuant to Clause 8D of Schedule 1 on 25 May 2017.

specific (i.e. they are not focused on the FFB Zone or seek specific exemptions for, or provisions to apply to the FFB Zone), and relate generally to the text of the PDP as notified in Stage 2. Council therefore considers them to be within scope, and respectfully suggests that it is for QCL to decide whether they wish to pursue these submission points, or withdraw them. Council's position is however that those submission points listed in paragraph 12 below are 'on' the PDP, Stage 2.

11. For these reasons the following submission points are not "on" the PDP, Stage 2:

11.1 Submission Point 2460.1 is on Table 25.2 of Chapter 25 Earthworks which lists the permitted volume of earthworks. The submitter seeks that Table 25.2 is amended to include the FFB Zone, or that a generic clause is included to refer back to the FFB Zone chapter provisions.

11.2 Submission Point 2460.3 is on Chapter 29 Transport Rule 29.4.10 (high traffic generating activities) and the submitter seeks that the FFB zoned land is exempt from the rule.

11.3 Submission Point 2460.5 is on Chapter 29 Transportation Rule 29.5 (accessory parking requirements) where the submitter seeks that the FFB zoned land is included in the parking requirements.

11.4 Submission Point 2460.11 is on Chapter 31 Signs Tables 31.7 – 31.9 (standards for signs). The submitter seeks that the tables are amended to include the FFB Zone.

12. Council's position is that the following submission points are 'on' the PDP, Stage 2:

12.1 Submission Point 2460.2 relates to Chapter 25 Earthworks Rule 25.5.22 (cleanfill).

12.2 Submission Point 2460.4 is on Chapter 29 Transport Rule 29.4.18 (verandas/balconies/buildings overhanging a road). This submission point by way of example, refers to Town Centre zones, which Chapter 29 Transport applies to.

- 12.3** Submission Point 2460.6 is on Chapter 29 Transport Table 29.5 (accessory parking requirements for industrial activity or service activity).
- 12.4** Submission Point 2460.7 is on Chapter 29 Transport Table 29.7 (minimum requirements for cycle parking, lockers and showers).
- 12.5** Submission Point 2460.8 is on Chapter 29 Transport Schedule 29.1 Road Classification, and while the matters raised in the submission refers to the Structure Plan developed for the FFB Zone (in the ODP), the submission itself is on the road classification of Glenda Road, which was notified as road in the Stage 2 PDP Planning Maps.
- 12.6** Submission Point 2460.9 is on Chapter 31 Signs Rule 31.5.14 (hoardings).
- 12.7** Submission Point 2460.10 is on Chapter 31 Signs Rule 31.6.6 (temporary construction signs).
- 12.8** Submission Point 2460.12 is on Chapter 31 Signs Rule 31.7.5 (signs located within the ground floor area of a building).

DATED this 1st day of May 2018



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