

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 **REMARKABLES PARK LIMITED**

SUMMARY OF SUBMISSIONS OF COUNSEL FOR REMARKABLES PARK LIMITED

HEARING STREAM 13 – QUEENSTOWN MAPPING

9 June 2017

**BROOKFIELDS
LAWYERS**

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MAY IT PLEASE THE PANEL:

1. INTRODUCTION

1.1 Remarkables Park Limited (**RPL**) has made a submission on the location of the ONL line near the Remarkables Park Zone (**RPZ**). The submission points to be addressed in these submissions in respect of the Stream 13 Hearings are:

(a) RPL – Submission No's 807.26, 28 and 76.

1.2 The key issue to be addressed in these submissions and the evidence in support, is the location of the ONL line near the RPZ.

2. ONL

2.1 Based on survey analysis, the Proposed District Plan proposes an ONL line along the inner Activity Area 2a boundary within the RPZ. Activity Area 2a is part of an urban zone. **Attached** and marked "**A**" is a plan prepared by Apex Surveying Limited showing the proposed ONL line. Three issues arise:

(a) The proposed ONL line follows an activity area boundary, not the landform;

(b) Because the proposed ONL line follows the northern extent of the Activity Area 2a boundary, the entirety of Activity Area 2a is caught within the ONL classification; and

(c) The RPZ is not part of the district plan review.

3. ACTIVITY AREA BOUNDARY

3.1 It is submitted that, as a matter of principle, an ONL line should be determined by reference landform and features and not activity area boundaries. Ms Mellsop's ONL line and associated reasoning in her evidence appears to be strongly influenced by an activity area boundary.

4. ONL OVER URBAN LAND

- 4.1 It is submitted, as a further matter of principle, that it is nonsensical to overlay an ONL classification on urban zoned land. Activity Area 2a is described in the Operative District Plan as follows:

Activity Area 2 - Riverside Public Recreation

Activity area 2a on the river peninsula adjoining the Kawarau River, to the south covers land owned by the Council and is proposed to be developed for predominantly public open space. This element of the southern Riverside Public Recreation area is the proposed River Access Area. This area will be a public place carefully located on the river's edge in order to take advantage of the opportunities of such a location for river access. **It may provide stopping points and a terminal/ticketing facility for water transport between the Frankton locality, Queenstown and other parts of the District as well as focus for limited commercial uses, eg restaurants, ticketing facilities.**

[Emphasis added.]

- 4.2 Quite clearly, Activity Area 2a is an area where urban development (commercial uses) is anticipated to occur in manner that is complementary to and integrated with the wider RPZ mixed use urban zone. Commercial Activities are discretionary and Commercial Recreation activities are controlled.

- 4.3 Ms Mellsop states in her evidence:

“7.3 To my knowledge almost all of the Remarkables Park-zoned land included within the ONL is reserve land that is not owned by Remarkables Park Limited. Development within this land, other than ecological restoration or improvements to public access, is in my assessment unlikely to appropriately preserve the natural character of the river.”

- 4.4 In my submission, land ownership is not relevant to the identification of an ONL. Having said that, RPL does own land within Activity Area 2a.

- 4.5 Furthermore, Ms Mellsop's view of appropriate development fails to acknowledge the reality of the development potential of the underlying zoning, which will not be altered and does not form part of the district plan review.

5. RPZ EXCLUDED FROM DISTRICT PLAN REVIEW

5.1 The RPZ is excluded from the district plan review. The proposed ONL line is located within the RPZ. It is submitted that the Panel does not have jurisdiction to consider and ONL line within the RPZ.

6. EVIDENCE

6.1 If the Panel forms the view that it can consider an ONL line within the RPZ, RPL has sought expert evidence on the appropriate location of the ONL line.

6.2 Stephen Brown considers that the ONL line should be located at the top of the river bank, which is where the upper trail is located. It is submitted that his evidence should be preferred because it is based on landscape factors not activity areas boundaries.

Dated the 9th day of June 2017

J D Young
Counsel for Remarkables Park Limited



LEGEND

--- Existing RPZ Activity Area Boundary
(Figure 1 - Activity Areas Structure Plan pg. 12-90)

--- Proposed Landscape Classification (ONL)
(Proposed District Plan Map 31a - Queenstown Airport)

--- Existing Cadastral Boundary



SCALE 1:6000 (A3)

**Remarkables Park
Zone - Figure 1
Activity Areas with
Proposed ONL**

- Note:**
- (1) Cadastral boundaries have been obtained from Land on Line.
 - (2) Areas and measurements are subject to a LINZ approved cadastral survey.
 - (3) ONL line has been traced from Proposed District Plan Map 31a.

Scale : 1:6000 (A3)
Date : June 2017



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