

**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 Hearing Stream 13 –
Queenstown Mapping
Annotations and
Rezoning Requests

**MEMORANDUM OF COUNSEL ON BEHALF OF THE QUEENSTOWN LAKES
DISTRICT COUNCIL RELATING TO PANEL'S MINUTE OF 16 OCTOBER 2017**

2 November 2017

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Barristers & Solicitors

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MAY IT PLEASE THE PANEL

1. This memorandum is filed on behalf of Queenstown Lakes District Council (**Council**) in response to the Panel's Minute dated 16 October 2017,¹ and sets out the Council's position on how Submission #790 should be treated.

Background

2. The Council intends to notify a variation to the Planning Maps to apply Open Space and Recreation Zones to a number of Council-owned reserves in the District.² The Council advised the Panel by way of its Reply Legal Submissions that this has particular implications for submission #574 and further submission #1370 in the Queenstown Mapping Hearing Stream 13, as the majority of the land subject to those submissions is intended to be notified as part of the variation.
3. The consequence of the imminent variation is that through clause 16B(1) of Schedule 1 of the RMA, submission #574 and further submission #1370 will be deemed to be submissions against the variation, and therefore, decision-making on the appropriate zone type will be deferred until the variation reaches the same procedural stage.
4. The Panel then issued a minute asking the Council whether it intended to rezone the reserve on Kerry Drive which also fronts Ballarat and Malaghan Streets, as Informal Recreation, and therefore whether that part of submission #790 which seeks that the reserve should be rezoned, should be treated in the same way.

Submission #790 – QLDC in its Corporate Capacity

Kerry Drive reserve

5. The Council intends to notify a wider area of land in the northern vicinity of Kerry Drive as Informal Recreation Zone, but will *not* be including the land

1 <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Memorandums/Stream-13/General-M13-Submission-790-16-10-17.pdf>

2 As stated in the Supplementary Legal Submissions for Queenstown Lakes District Council dated 11 October 2017, filed as part of the Council's Right of Reply.

subject to the Council submission at Kerry Drive,³ in the variation to the planning maps. Therefore, the Council's position is that the Panel needs to make a recommendation on that part of submission #790 relating to Lot 602 DP 306902 held in Computer Freehold Register 26956 at Kerry Drive, through this Stage 1 process.

6. Draft map 34A included in Appendix 5 to Ms K Banks' right of reply incorrectly shows this land as Informal Recreation Zone. A correct draft map 34 is included in **Appendix A** to this memorandum. The land is white which means it will not be subject to, nor within the scope of the imminent variation to the planning maps.

The Commonage

7. In preparing this memorandum, the Council has also identified a further error on the draft map included in Appendix 5 to Ms K Banks' right of reply.
8. A parcel of land to the east (known as "The Commonage" and also subject to submission #790)⁴ is incorrectly shown on draft Map 34a as Open Space.
9. The corrected draft Maps 35 and 37 correctly show the Commonage as white, which as foreshadowed above, means that it will not be subject to, nor within the scope of the imminent variation, with the exception of a small area of land in the upper north east of the site that is subject to Designation 79. The Council intends to include the land subject to Designation 79 in the variation and notify it as Open Space, as shown on draft Map 37 in **Appendix A**.

³ Lot 602 DP 306902 held in Computer Freehold Register 26956.

⁴ Section 1 Survey Office Plan 483628.

10. The Panel should therefore make a recommendation on that part of submission #790 relating to the Commonage in its report on Hearing Stream 13, except for the land that is subject to Designation 79.

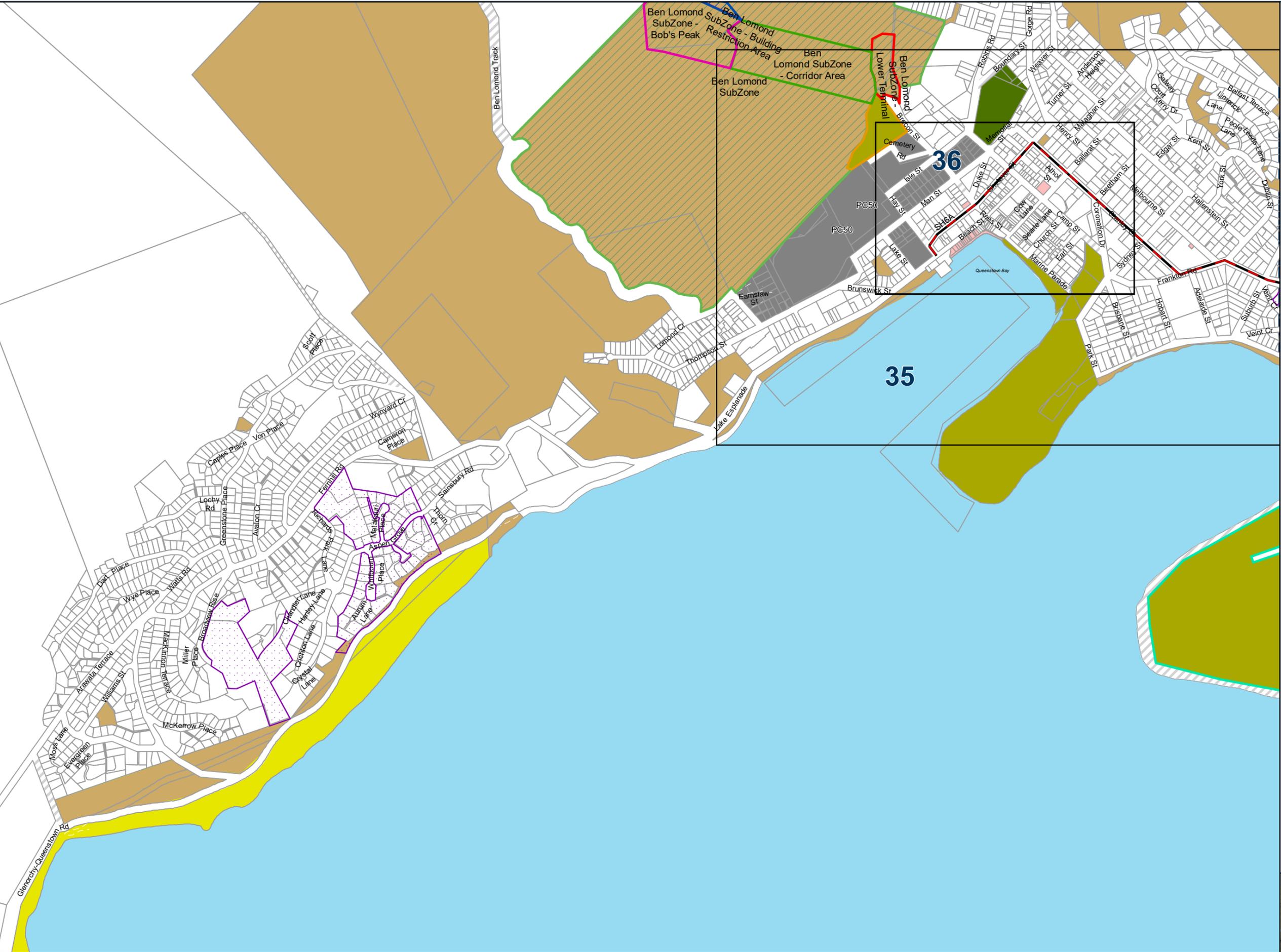
DATED this 2nd day of November 2017

A handwritten signature in blue ink, appearing to be 'S J Scott / H L Baillie', written on a light blue background.

S J Scott / H L Baillie
Counsel for Queenstown Lakes District
Council

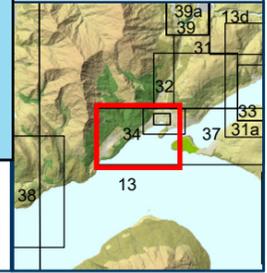
Appendix A

Maps 34, 35 and 37



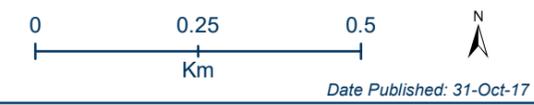
- Legend**
- Parcel/Road Boundary
 - State Highway
 - Unformed Roads
 - Visitor Accommodation Sub-Zone
 - Water (zoned Rural unless otherwise shown)
 - Ben Lomond Sub-Zone
 - Ben Lomond Sub-Zone - Building Restriction Area
 - Ben Lomond Sub-Zone - Bob's Peak
 - Ben Lomond Sub-Zone - Corridor Area
 - Ben Lomond Sub-Zone - Lower Terminal
 - Community Purpose - Cemetery
 - Community Purpose - Golf Course
 - Active Sports and Recreation
 - Civic Spaces
 - Community Purposes
 - Informal Recreation
 - Nature Conservation
 - Zones excluded from Stages 1 and 2 of the District Plan Review

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PDP Stage 2 Notification Map 34 - Fernhill and Sunshine Bay

DRAFT



Date Published: 31-Oct-17

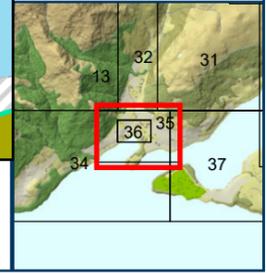
Maps created by QLDC GIS Department

Parcel boundaries derived from New Zealand Core Records System Vector Data (Corax) obtained from LINZ under the LINZ Licence Agreement



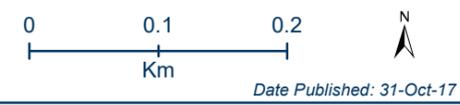
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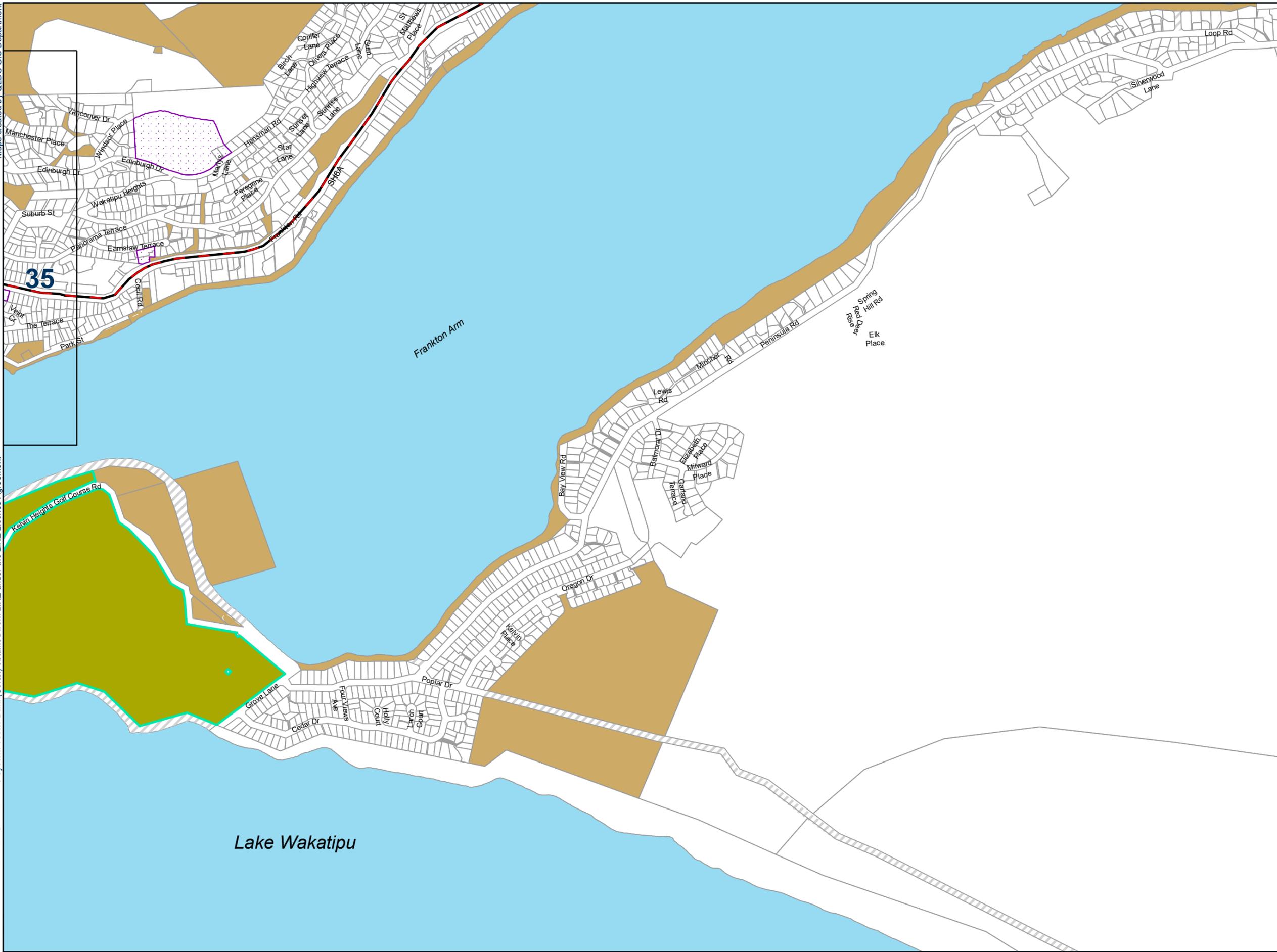
35



PDP Stage 2 Notification Map 35 - Queenstown

DRAFT





- Legend**
- Parcel/Road Boundary
 - State Highway
 - Unformed Roads
 - Visitor Accommodation Sub-Zone
 - Water (zoned Rural unless otherwise shown)
 - Community Purpose - Golf Course
 - Community Purposes
 - Informal Recreation

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