

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed District Plan Review,
Stream 4 Hearing: Chapter 27
Subdivision

MEMORANDUM OF COUNSEL FOR

Darby Planning LP (#608)
Soho Ski Area Ltd (#610)
Treble Cone Investments Ltd (#613)
Lake Hayes Ltd (#763)
Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point
Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited,
Jacks Point Management Limited (#762)
Glendhu Bay Trustees Ltd (#583)

26 July 2016

ANDERSON LLOYD
LAWYERS
QUEENSTOWN

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MAY IT PLEASE THE PANEL

1. Counsel for the submitters listed on the cover page ("the submitters") requests clarification from the Hearings Panel on the process of hearing submissions on Topic 04 of the Proposed District Plan ("**PDP**") as they relate to the Jacks Point Special Zone, Chapter 41.
2. Daniel Wells' evidence for RCL Queenstown Pty Ltd and Millbrook Country Club Ltd, requested that the consideration of PDP subdivision provisions relating to the Hanley Downs part of Jacks Point Zone be deferred until the substantive hearing on that Zone.¹
3. Counsel for Council's opening legal representations considered Mr Wells' request and noted that those provisions relevant to Hanley Downs subdivision are also relevant to the wider Jacks Point Zone, therefore it would not be practicable to defer consideration of those provisions in isolation.²
4. Counsel also understands that this matter was raised by the Hearing Panel in the course of Council's opening legal submissions for Topic 04 and that Council acknowledged one option would be to defer consideration of all subdivision provisions specific to Jacks Point Zone until the substantive Jacks Point Zone Chapter 41 hearing in 2017, by which time the Plan Change 44 ("**PC44**") Environment Court Appeals³ may also be resolved.
5. The submitters support deferral of consideration of subdivision matters specific to the Jacks Point Zone until the substantive hearing for Chapter 41 in 2017. The benefits of deferral are:
 - (a) This approach would provide a better integrated and more efficient way to consider the most appropriate provisions for Jacks Point Zone as a whole, including subdivision provisions;
 - (b) By 2017, appeals on PC 44 may be resolved and PC 44 operative, enabling evaluation of the wider Jacks Point Zone with PC 44 to be undertaken, including subdivision provisions;
 - (c) A deferral of these matters will not prejudice submitters to the Jacks Point PDP Chapter 41, and will enable those submitters necessary time to consider the matters raised in Mr Wells' evidence. It will also be consistent with the principled basis of Council's approach that subdivision provisions pertaining to lot sizes be considered alongside the relevant substantive zoning provisions where possible.⁴
6. Given the stage the Topic 04 hearing is at, Counsel respectfully requests that the Panel issue clarify this point as soon as practicable as to whether there will be a deferral of the subdivision provisions as they relate to the Jacks Point Zone until the substantive hearings in 2017 for Chapter 41.

¹ Para 16 Evidence in Chief Daniel Wells Topic 04 dated 15 July 2016.

² Para 3.5 Counsel for Council's opening representations topic 04 dated 22 July 2016

³ ENV-2016-CHC-023; 028-029

⁴ Memorandum of Counsel for Council dated 12 July 2016 at [5.1]

Dated this 26th day of July 2016

A handwritten signature in black ink, appearing to read "Maree Baker-Galloway". The signature is fluid and cursive, with a long horizontal stroke at the end.

Maree Baker-Galloway

Counsel for:

Darby Planning LP (#608)

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