

**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 05 Hearing: Chapter 36 Noise

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**MEMORANDUM OF COUNSEL FOR**

Lake Hayes Cellar Ltd (#767)

**23 August 2016**

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**ANDERSON LLOYD**  
LAWYERS  
QUEENSTOWN

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**MAY IT PLEASE THE PANEL**

1. Lake Hayes Cellar Ltd ("**LHC**") made a submission on the Proposed Queenstown Lakes District Plan ("**PDP**") seeking a rezoning of its 10ha Rural Zoned land to Rural Residential with a commercial overlay and related provisions.
2. LHC seeks clarification from the Hearings Panel as to the assessment of Chapter 36 provisions included in the submission of LHC.
3. The Hearing Panel's Minute of 17 June 2016 deferred consideration of the LHC submission in its entirety until the appropriate mapping hearing.
4. However, Council's Section 42A Report for Chapter 36 addresses the LHC relief sought at para 8.32 of that Report and relies on expert evidence from Dr Chiles in respect of the same in making a recommendation, while also noting that the matter is deferred. The fact that the 42A report addresses the LHC relief substantively has created uncertainty that this Memorandum seeks to clarify.
5. The above consideration in the 42A Report is premature and seems contradictory to the 17 June Minute from the Panel that stated (emphasis added):

*3. We concluded that the best approach was to **defer all discussion** of this submission to the appropriate mapping hearing. Accordingly, we did not hear the evidence prepared by the witnesses for Lake Hayes Cellar Limited.*

*4. This Minute records our decision to **defer consideration of submission #767** to the appropriate hearing dealing with map change requests.*

6. LHC has been proceeding in reliance on the direction of 17 June, and is preparing to address all points of its submission comprehensively at the hearing in 2017 for rezoning/map change. Accordingly, Counsel for LHC requests that the Panel confirm the LHC relief sought in relation to Topic 05 of the PDP is deferred (along with the rest of the submission) until the mapping/rezoning hearing, so that it can be considered as an integrated package.

**Dated this 23<sup>rd</sup> day of August 2016**



Maree Baker-Galloway

Counsel for:

Lake Hayes Cellar Ltd (#767)