

**BEFORE THE HEARING COMMISSIONERS
AT QUEENSTOWN**

IN THE MATTER of the Resource Management Act 1991
(RMA or the Act)

AND

IN THE MATTER of the proposed the Queenstown Lakes
District Plan pursuant to Part 1 of the First
Schedule to the Resource Management
Act 1991

ON BEHALF OF RCL Queenstown PTY Ltd

MEMORANDUM ON BEHALF OF RCL QUEENSTOWN PTY LIMITED

2 MARCH 2017

INTRODUCTION

1. This memorandum is on behalf of RCL Queenstown PTY Ltd ("RCL").
2. This memorandum addresses:
 - (a) The information on ownership of the lands within the Jacks Point Zone;
 - (b) Briefly comments on amendments shown in the s42A planners response.

Ownership details

3. RCL agrees with the information in the maps produced by Jacks Point in its memorandum dated 24 February 2017, except that RCL notes that there is a difference in the status of contracts in place. This is the reason why the maps appended to the Jacks Point memorandum show a greater area of land subject to contract of sale to Jacks Point than was shown in the maps tabled by RCL at the hearing. With regards to this area of inconsistency, it is unlikely any relevant contract can be settled.
4. To briefly provide some background, this area is the subject of a call option granted to Jacks Point Village Holdings Limited ("JPVHL") by Jacks Point Village Limited ("JPVL"). RCL understands the conditions of this call option (being the requirement for a deposit and entering a formal agreement) have not been confirmed. A further difficulty is that in order for any settlement to occur, a release of the first mortgage is required, which has not been agreed by the mortgagor. For this reason, it is unlikely any formal contract that may be entered into for this area can be performed, and RCL has therefore reflected this position in the maps.

42A Report

5. RCL wishes to briefly comment on two aspects of the s42a planners reply. It is noted that the Council s42a reply has recommended amending aspects of the zone, which appear to be based on evidence presented by the Jacks Point Group submitters. Particular amendments include:
 - (a) The activity status of visitor accommodation in the R(HD) land
 - (b) The location of OSA areas in the R(HD)-E activity area
6. The latter of these points was considered thoroughly at the Plan Change 44 hearings and the locations of the open spaces shown in that decision (and subsequently in the notified District Plan) were deemed by commissioners for a variety of reasons to be appropriate.

7. In relation to the open space now proposed in the s42a right of reply along the southern boundary of R(HD)-E, the Jacks Point Group has recently been negotiating with RCL over its wish to move a drainage path which currently discharges stormwater from the existing Jacks Point neighbourhoods on to land in the Village Activity Area that it wishes to acquire. It has sought to locate a drain at least partly in the R(HD)-E area owned by RCL. Given negotiations have not been completed and the Jacks Point Group would benefit financially from locating OSA Activity Area in this area, RCL considers that regard should not be given to evidence and submissions presented by those parties on this matter.
8. Similar issues arise in relation to the proposed amendments to the visitor accommodation provisions in the R(HD) areas. Based on correspondence and discussions between RCL and Jacks Point Group following the hearing, the amendments sought to these provisions by the Jacks Point Group are related to commercial purposes.
9. In the circumstances, RCL considers that the most appropriate approach would be to maintain the recently approved outcomes from PC44 on these matters. In the event that the commissioners are minded to adopt the amendments sought, RCL would seek an opportunity to address this matter further if necessary.

Tama Hovell

On behalf of RCL Queenstown PTY Ltd