

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of the Queenstown Lakes
Proposed District Plan

**FURTHER MINUTE CONCERNING SUBMISSIONS SEEKING REZONING
TO AN ODP ZONE**

1. On 29 May 2017, I issued a minute outlining how the Hearing Panel would consider submissions seeking to apply an ODP zone as part of the PDP process. Today we received a further memorandum from Mr Todd suggesting my previous minute did not clarify the situation.

2. Mr Todd's concerns are encapsulated in the following paragraphs:

...I ... am struggling to reconcile the Chair's response with the fact that notations for [Rural Visitor Zone] appear on the PDP Maps. Despite the lack of any notified provisions to the RVZ its notation on the maps means that some set of provisions must be operative, and when submitters submit on the basis that the RVZ have been notated they have no choice but to assume that the ODP RVZ provisions are to apply to those zones.

As for the Chair's suggestion there is no guarantee that the ODP zones will become part of the PDP this creates potential for a real vacuum. One questions if that is the case then owners of such land having not sought to oppose the mapping of their land as RVZ may be left out "in the cold" in terms of their ability to submit on what might be appropriate zoning for their land.

3. This raises two questions:

- a) What is identified on the Planning Maps; and
- b) How will owners of land which does not have a PDP zoning have an opportunity to submit on the zoning of their land if the operative zone is not carried through into the PDP?

4. When the Council notified the PDP, it chose to show the operative zoning on those areas of land not subject to Stage 1. That was, in my view, unfortunate as it creates exactly the type of confusion raised by Mr Todd. However, when one consults the Legend page of the Maps, it clearly states under the heading "Operative Plan":

Note: Operative zones are shown across sites that are not being reviewed in Stage 1 of the District Plan Review, or where the Zone has been specifically reserved for review in Stage 2.

5. Below this statement is a column of notations with zone descriptors. Rural Visitor Zone ("RVZ") falls into the category "Special Zones", shown in deep yellow. One can only assume that these were included for information purposes. This was discussed with counsel for the Council at some length when the hearings commenced in March 2016.
6. Special zones are also shown as PDP zones further to the right, accompanied by a note stating that Jacks Point, Waterfall Park and Millbrook have been separated and included in Stage 1.
7. The answer to the first question is that the RVZ is shown on the Planning Maps as an operative zone for information purposes. In considering the PDP, we are treating these operative zones as if they were white unzoned areas on the Maps, as, in PDP terms, that is what they are at this stage.
8. This leads quite simply to the answer of the second question. If we take those areas as not being in the PDP, then the Council will need to, in Stage 2 or by variation, introduce a PDP zoning for that land. The actual zone provisions may also be introduced into the PDP, as the Council has clearly indicated it will do with industrial zones, or it may propose zoning the land using a zone already in the PDP, such as Rural. In either event, the land owner would be able to lodge submissions in respect of that zoning at that time. I note that it is not the Hearing Panel's role to be involved in any of that process up to hearing submissions. This answer is based on my expectations given the information before us at present.
9. Mr Todd is quite right that there is an operative RVZ. As I understand it, the purpose of the Reviewed District Plan is to replace, in stages, the operative district plan. In the same way that the (as notified) Low Density Residential Zone in the PDP is not the same as the Low Density Residential Zone in the ODP, notwithstanding the use of the same name, one cannot presume that an ODP zone such as RVZ would be incorporated into the PDP in the same form that it is in the ODP, or even if would be incorporated at all.
10. The reason I made that point in my Minute of 29 May 2017 was to make it clear that, in hearing submissions that seek a rezoning of land, we will be expecting to be presented with a package that is suitable and appropriate to be included within the PDP. How a submitter prepares such a package is up to them.

11. Mr Todd is correct that a submitter who has sought a change of zoning from Rural to RVZ is “on” the PDP. Where I consider he is incorrect is concluding that the RVZ forms part of the PDP for the reasons I explained above.

For the Hearing Panel

A handwritten signature in blue ink, appearing to read "Nugent". The signature is written in a cursive style with a large initial 'N'.

Denis Nugent (Chair)

8 June 2017