

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 a submission to the Proposed District
Plan

BY **MICHAEL PAUL HENRY**
 (SUBMISSION #534, #535, #2426)

SYNOPSIS OF SUBMISSIONS FOR MICHAEL AND MAUREEN HENRY

Dated: 26 July 2018

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LAWYERS | NOTARY PUBLIC

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MAY IT PLEASE THE PANEL:

1. These submissions are in support of Michael and Maureen Henry ("**Henrys**") who own land at the corner of Ladies Mile and Lower Shotover Road ("**land**").
2. The Henrys filed two submissions on Stage 1 together with a number of other neighbouring landowners seeking a rezoning of their land to Rural Lifestyle Zone.
3. They have also filed a submission on Stage 2 seeking Wakatipu Basin Lifestyle Precinct for their land.
4. The Council notified the land as Rural Zoning in Stage 1. It then as part of the Wakatipu Basin Variation on Stage 2 re-notified the south-eastern portion of the land as Wakatipu Basin Rural Amenity Zone.
5. The experts for the Council in their reports on the Henrys and others' submissions have recommended rejection of the submissions and retaining the notified zoning.
6. It is submitted the Council experts have made irrelevant considerations and flawed findings with respect to the rezoning of the land. The experts have given undue consideration to the Council's policy under the Special Housing Accords and Special Housing Areas Act 2013 and the associated Ladies Mile Indicative Masterplan which intends to provide for a combination of low, medium and high density residential living on Ladies Mile.
7. The Council considers it more efficient to sterilise the land through the PDP with a view to achieving the Ladies Mile Indicative Masterplan. On this basis the Council has found a rural lifestyle/rural residential zoning will have the effect of locking up the land and preventing outcome envisaged by the Masterplan.
8. It is submitted this approach unduly prejudices landowners who have no certainty as to what will in fact arise from the Ladies Mile Indicative Masterplan. It is submitted that it is improper for the Council to rely on a hypothetical outcome for which they cannot be certain when or if it will be achieved.
9. It is submitted the Council's recommendation on rezoning should instead be based on what land use is appropriate having regard to the two options before it in this Proposed District Plan process, these being either the notified Amenity Zoning or the Rural Lifestyle/Lifestyle Precinct zoning sought by the submissions. If the

zoning sought by the submitters is appropriate the Council should not be in the position of rejecting such based on an uncertain, hypothetical future outcome.

10. In terms of assessing whether the zoning sought by the submission is in fact appropriate, it is submitted the most relevant measure in this case is the effect of the proposed zoning on the landscape. The Henrys have not raised expert evidence on this as they are entitled to and have relied on the assessment carried out as part of the Wakatipu Basin Land Use Study, which it is submitted is the foundational document for the Wakatipu Basin Variation to the Proposed District Plan. The Study found the land had a high capability of absorbing additional development.
11. The recommendation of the Council to retain the Amenity Zoning is totally inconsistent with the findings of the Study.
12. On this basis it is submitted the recommendations of the Council be given little weight and instead the findings of the Study be relied on.
13. As such it is submitted a zoning of Rural Lifestyle or Lifestyle Precinct as sought by the Henrys is appropriate for the land.



G M Todd/B B Gresson
Counsel for Michael and Maureen Henry