

**BEFORE THE HEARINGS PANEL FOR THE
QUEENSTOWN LAKES DISTRICT COUNCIL DISTRICT PLAN**

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of the Hearing Stream 9 – Resort
Zones

BY **JARDINE FAMILY TRUST and
REMARKABLES STATION
LIMITED**

Submitter No. 715

**MEMORANDUM OF COUNSEL
FOR JARDINE FAMILY TRUST AND REMARKABLES STATION LIMITED
IN RELATION TO TRANSFER OF SUBMISSION POINTS
JACKS POINT – CHAPTER 41**

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MAY IT PLEASE THE PANEL

1. Counsel received Simpson Grierson's memorandum dated 22 December 2016 and the Chairman's Minute in response dated 16 January 2017 by way of email link on the evening of Monday 16 January. Since that time Counsel has been working with the submitter and its consultants with a view to complying with the direction that the Appendix B points be heard in Hearing Stream 9. That Hearing Stream is the subject of a notice of hearing commencing on 14 February and extending to 17 February 2017.
2. Unfortunately the submitter's planning consultant had already committed to overseas leave in the expectation that all of the submission points raised by the Jardine Family Trust and Remarkables Station Limited ("the Jardines") would be heard together in Mapping Stream 13. It is not now possible for comprehensive planning evidence to be filed for the Stream 9 hearings. However counsel has now studied the 42A report and this has simplified matters considerably. Mr Nicholas Geddes has filed limited planning evidence in relation to some of the Hearing Stream 9 issues raised by the Jardines' submission. This memorandum should be read in conjunction with Mr Geddes' evidence.
3. Issue 2 on page 26 of the 42A report addresses whether there should be 3 separate zones for Jacks Point, Homestead Bay, and Hanley Downs. The Jardines are recorded as favouring a single zone. The Jardines see some merit in a consistent policy framework to the extent that the resource issues are consistent across the zone, with site specific issues being addressed through Activity Area standards. Having said that, the Jardines would not be disadvantaged by Homestead Bay having its own separate zone provisions. The recommendation on para 11.8 and 11.9 of the 42A report is the retention of a single zone. The Jardines are comfortable with that.
4. The Jardines do have a pragmatic interest in not being caught up in fights that do not concern Homestead Bay (and the likelihood that appeals may flow from them). A review of the submissions suggests that most of the more contentious matters do not relate to Homestead Bay.

5. Homestead Bay and the rest of the zone currently share some common provisions. In the event that the Commission was to decide that different provisions should apply in relation to other areas of the zone, or appeals put common provisions in issue, then the Jardines are anxious Homestead Bay should not to be caught up in debates that do not concern Homestead Bay. For that reason, the Commissioners are invited to issue a separate decision in relation to the Homestead Bay submissions. Ring-fencing decisions spatially would mean that Homestead Bay would not be affected by appeals relating to Jacks Point or Hanley Downs and the contested provisions could (following decisions on submissions) be relied upon as operative insofar as they relate to Homestead Bay.
6. To assist the Panel to that end, the Jardines now restrict their submission as follows (with reference to the 42A report):

| Submission Point | Submission | Amendment Proposed |
|-------------------------|---|---|
| 7.1.5.1 | Submitter opposes entire PDP. | Submission point withdrawn. |
| 7.1.5.5 | Policy 41.2.1.4. | Submission point withdrawn. |
| 7.1.5.6 | Policy 41.2.1.10. Delete the words “while ensuring that development associated with those activities does not over domesticate the landscape” | Confine that relief to the submitter’s land. |
| 7.1.5.8 | Policy 41.2.1.26. Delete | Confine that relief to the submitter’s land. By that it is meant that Homestead Bay may have its own separate (but internally integrated) servicing infrastructure. |
| 7.15.12 | Policy 41.4.9.16. Delete | The relief sought relates only to the farm buildings and craft activity area (FBA) within the Homestead Bay portion of the Jacks Point Structure Plan. The 42A report recommendation at para 15.62 is noted that the matter is best considered at the mapping hearing. This is supported. |

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| 7.1.5.13 | Policy 41.5.2.7. Delete | This submission point relates only to the submitter's land. At para 15.64 the 42A report recommends that this be addressed at the mapping hearing. That recommendation is supported. |
| 7.1.5.14 | 41.5.6.1. Delete or make provision for 2 new access points within Lot 8, DP 443832 as controlled activities. | The submitter no longer pursues the general request that the standard be deleted. Provision is sought for 2 new access points to be created. This is, of course, linked to whether the submitter's land is rezoned as sought. The 42A report recommends this be deferred to the mapping hearing (para 14.11). |
| 7.1.5.16 | Policy 41.5.11. Delete | The relief sought is limited to the submitter's land. Logically the recommendation at 15.64 of the 42A report applies also to the submission point. |
| 7.1.5.19 | Policy 41.5.15.4. Delete | The submitter maintains this submission, but notes and agrees with the recommendation in the section 42A report at paragraph 13.18 that the site coverage rule within the V(HB) activity area be 60%. It is not understood what the environmental purpose of an additional numerical limit on commercial activity of 28,300m ² serves, save to support commercial viability, a topic traditionally best left to developers prepared to put their capital at risk (refer to para 13.20 of the 42A report). |

7. In light of the section 42A report and the amendments proposed above, for the most part the Jardines need not be heard in relation to all of the issues in Stream 9 and that their submissions should be deferred to stream 13. The exception relates to the matters addressed evidence of

Nicholas Karl Geddes dated 2 February 2017. It is understood that Mr Geddes has arranged time to be heard.



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P J Page

Counsel for Jardine Family Trust and Remarkables Station Limited
(Submitter 715)

Dated: *5th February*
January 2017