

IN THE MATTER                      of the Resource  
Management Act 1991

AND

IN THE MATTER                      of the Queenstown Lakes  
Proposed District Plan

**SECOND MINUTE CONCERNING MEMORANDUM OF COUNSEL ADVISING  
ON MATTERS RELATED TO STAGE 2 OF THE PDP**

1. Further to my Minute of 27 November 2017, our review of the various changes proposed in Stage 2 has disclosed two matters we seek further clarification of from the Council.

Amended or Deleted Provisions

2. Stage 2 includes a number of variations to Stage 1 chapters, mostly deleting, but in some cases amending Stage 1 chapters. The Appendices attached to the Memorandum of Counsel list such variations to Stage 1 chapters and the submissions which are transferred to a Stage 2 hearing as a result. Deletions include:
  - (a) In Appendix B – the deletion of references to the Rural Lifestyle Deferred and Buffer Zones and the Ferry Hill Rural Residential Zone from Chapters 22 and 27;
  - (b) In Appendix C – the deletion of a paragraph from Section 6.2 and various parts of Section 6.4;
  - (c) Various deletions of definitions from Chapter 2.
3. As Counsel notes in her Memorandum, the effect of Clause 16B(2) of the First Schedule to the Act is that the Hearing Panel should treat those sections as amended or deleted in accordance with the variations as notified. The question we have is how the Council expects that we will deal with these amendments or deletions in our recommendation reports and recommended revised PDP provisions?
4. It appears the logical way is to delete the provisions from the clean versions of the PDP that we recommend, but show the deleted provisions as struck-through in the version tracking changes, with differentiation to indicate the deletion was by variation. That is how we propose to deal with these unless the Council requests an alternative method.

5. For amendments, we propose to show the amendment on the face of the both the clean version of the PDP and the tracked version, but again in a way that indicates the provision is subject to a variation and therefore not included within our recommendations, such as showing it in italics.
6. We propose that our reports would make no substantive comment on the provisions the subject of variation, except where this is necessary to address submissions on provisions not the subject of variation. Again, if the Council expects that we would take a different stance, kindly advise what it would propose.

#### New Definitions

7. Throughout the changes in Stage 2 the Council is proposing the inclusion of definitions in Chapter 2 of terms that were not defined when the Stage 1 was notified. In some cases, the terms to be defined are the same as terms for which we are proposing to recommend definitions as a result of hearing submissions. While the terms are the same, in some cases the definition of the term notified in Stage 2 differs from the definition we are recommending. We note that these are new terms rather than a variation of a term notified in Stage 1.
8. Our present view is that we should continue to make our recommendations based on the evidence and submissions we heard and leave any reconciliation of differences to the Stage 2 hearings. If the Council considers an alternative approach is appropriate then we request the Council put that before us for our consideration.

#### Timing

9. We ask that the Council provide the advice requested by the end of business on Tuesday 12 December 2017.

For the Hearing Panel



Denis Nugent (Chair)

5 December 2017