

**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 Hearing Stream 13 – Queenstown
Mapping

**MEMORANDUM OF COUNSEL ON BEHALF OF LAKE WAKATIPU STATION
LIMITED**


Dated 8th June 2017

TODD & WALKER law
LAWYERS | NOTARY PUBLIC

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MAY IT PLEASE THE PANEL

1. I confirm I act for Lake Wakatipu Station Limited (submitter #478).
2. I refer to my Memorandum of Counsel dated 29th May 2017 and the Chair's Minute in response dated 30th May 2017.
3. The Memorandum and Minute concerned a request for clarification as to whether rezoning requests for Rural Visitor Zone ("RVZ") will be considered as part of Stage 1 of the Proposed District Plan ("PDP") when the provisions for the RVZ have not been notified as part of Stage 1.
4. I note that various properties are identified in the PDP Maps as being zoned RVZ. Submitters have thus made submissions relying on the fact that the RVZ is part of the PDP and on the basis that there are operative rules for such.
5. In his Minute the Chair appears to be suggesting that the lack of notified provisions for the RVZ in Stage 1 of the PDP means that by seeking to rezone land RVZ a submitter is "seek [ing] to apply a zone that is not in those presently part of Stage 1 of the PDP" and that "there is no evidence that those ODP zones will become part of the PDP"¹.
6. With the greatest respect to the Chair I (and I know others) am struggling to reconcile the Chair's response with the fact that notations for RVZ do appear on the PDP Maps. Despite the lack of any notified provisions for 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.
7. 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.
8. I respectfully reaffirm my request for clarification on this matter and submit that the notification of the RVZ zones and the reliance on the same by submitters means that the RVZ zones must be seen to form part of the PDP and thus submissions seeking rezoning of land to RVZ are "on" the PDP.



Graeme Morris Todd
Counsel for Lake Wakatipu Station Limited

Dated 8th June 2017

¹ Minute Concerning Submissions Seeking Rezoning to an ODP Zone at 5-6