

**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** **MAXWELL CAMPBELL GUTHRIE**

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**SYNOPSIS OF SUBMISSIONS FOR MAXWELL CAMPBELL GUTHRIE**

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**Dated: 26 July 2018**

**TODD & WALKER law**  
LAWYERS | NOTARY PUBLIC

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**MAY IT PLEASE THE PANEL:**

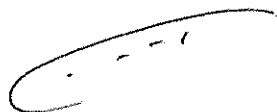
1. These submissions are in support of a submission by Maxwell Campbell Guthrie seeking Wakatipu Basin Lifestyle Precinct for his property at Morven Ferry Road (“land”).
2. The land was notified in the Wakatipu Basin Variation to the Proposed District Plan as Wakatipu Basin Rural Amenity Zone. The Council experts in their reports on the submission have rejected the submission and recommended the notified zoning be retained on the land.
3. It is submitted the Council in reaching their recommendation have given insufficient consideration to the existing environment, namely by giving undue regard to the existing unimplemented resource consent which allows for a 5 lot residential subdivision on the land.
4. Ms Gilbert in her landscape evidence for the Council zoning found that the existing consent does not “amount to a tacit endorsement of such a rezoning”. This view was adopted by Mr Langman in his section 42A Report.
5. It is submitted this finding is an error in law given the *Hawthorn* decision<sup>1</sup> adopted by the Environment Court in *Shotover Park Limited v Queenstown Lakes District Council* where the Court held that the existence of unimplemented resource consents on a property formed part of the existing environment and should be taken into consideration by the planning authority when deciding on a zoning for the property and that the authority has to write a plan which accommodates the presence of that activity”.<sup>2</sup>
6. The Council appear to have acted contrary to this direction of the Court and deemed the existing consent on the land as irrelevant in their assessment of the zoning.
7. It is submitted given this error in law the recommendation of the Council should be given little weight and the Panel when making a determination on the rezoning should consider the existing subdivision consent as a part of the existing environment. When such is considered it is submitted there will be minimal adverse

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<sup>1</sup> *Queenstown Lakes District Council v Hawthorn Estate Limited* [2006] NZRMA 424

<sup>2</sup> *Shotover Park Limited v Queenstown Lakes District Council* [2013] NZHC 1712

effects additional to this existing environment arising from a zoning of Lifestyle Precinct. Further given such existing consents a zoning of Rural Lifestyle Precinct will be a more efficient use of resources and better achieve the Strategic Direction of the Proposed District Plan and the purpose of the Resource Management Act 1991.

A handwritten signature in black ink, appearing to be 'G M Todd/B B Gresson', written in a cursive style.

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G M Todd/B B Gresson

Counsel for Maxwell Campbell Guthrie