

## **Before the Hearings Panel**

In the Matter of                      the Resource Management Act 1991

And

In the Matter of                      the Queenstown Lakes Proposed District Plan

And

In the Matter of                      Chapter 8 – Medium Density Residential and Chapter 9 –  
High Density

# **Memorandum of Counsel for Jade Lake Queenstown Limited**

Dated: 1 February 2018

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**Lane Neave**  
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**lane neave.**

**May it please the Panel:**

1. We act for Jade Lake Queenstown Limited (**JLQL**). This Memorandum of Counsel is in respect of the Queenstown Lakes Proposed District Plan (**Proposed Plan**), and in particular, Chapter 8 – Medium Density Residential and Chapter 9 – High Density.
2. JLQL is the owner of land located at 102-108 Wynward Crescent, Fernhill, Queenstown (legally described as Lot 1 DP 21182) (**Site**). JLQL recently purchased the Site from Hurtell Property Limited, Landeena Holdings Limited and Shellmint Proprietary Limited (**Hurtell & Others**).
3. Hurtell & Others lodged a submission (submission #97) in respect of the Site and its zoning under the Proposed Plan. JLQL wish to become the successor that that submission and continue to pursue the full relief as set out in that submission.
4. Section 2A of the Resource Management Act 1991 (**RMA**) provides that:

*“In this Act, unless the context otherwise required, any reference to a person, however described or referred to (including application and consent holder), includes the succession of that person.”*
5. The High Court has held that:

*“The section is wide enough to include successors to a person who has earlier lodged a submission. Accordingly, a successor to a submitter can pursue a submission and any rights of appeal to the Environment Court that flow from it.”<sup>1</sup>*
6. Therefore, in accordance with section 2A of the RMA, Counsel requests that JLQL is substituted for Hurtell & Others (submission #97).
7. The address for service for JLQL is now:

Attn: Joshua Leckie  
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Email: [joshua.leckie@laneneave.co.nz](mailto:joshua.leckie@laneneave.co.nz)

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<sup>1</sup> *Kaitaiki Tarawera Inc v Rotorua District Council* [1997] NZRMA 372, (1997) 10 PRNZ 698 at page 8

Dated: 1 February 2018

A handwritten signature in blue ink, appearing to read "Joshua Leckie".

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Joshua Leckie

Counsel for Jade Lake Queenstown Limited