

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes
District Council Proposed
District Plan

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

1. The purpose of this matter is to raise an issue specific to the Upper Clutha Mapping Stream where further clarification is sought from the Council.
2. The Upper Clutha Mapping Stream has a number of submissions seeking visitor accommodation zonings specifically:
 - Stonebrook Properties Limited (62);
 - Iain Weir (111);
 - Varina Pty Ltd (591);
 - Wanaka Kiwi Holiday Park and Motel Limited (592);
 - Satomi Holdings Limited (619);
 - Lesley Burdon (793).
3. In addition, the submissions of Glen Dene Limited (384) and Sarah Burdon (282) sought rezoning of land overlapping with the Hawea camping ground designation as Rural Visitor Zone;
4. Counsel's memorandum of 23 November 2017 advises that the Council will receive and consider submissions in Stage 2 that ask for the Visitor Accommodation Zone to be applied over land that has not otherwise been notified in Stage 2 **[refer paragraph 13]**.

5. It appears to the Hearing Panel that this undertaking will be potentially relevant to all of the above submitters, as none of the submissions have been granted in full through the notified Visitor Accommodation zoning shown on the Stage 2 maps.
6. The undertaking given by the Council as above, does, however, meet a concern expressed by the Hearing Panel during the course of the Upper Clutha Mapping Hearing that if the Hearing Panel recommends that submissions seeking a visitor accommodation (or in the case of Glen Dene/Sarah Burdon an equivalent zoning) not be applied to the land the subject of submission on the basis that it can be addressed at Stage 2 (as suggested to us by counsel for the Council), there might be no jurisdiction to rehear the submission at Stage 2, depending on what the Council chose to publicly notify. There is a practical issue, however, due to the juxtaposition of the close of submissions on Stage 2 and the release of our recommendations (and the Council's decisions thereon); submitters will have to finalise their submissions on Stage 2 before they know the outcome of their submissions on Stage 1.
7. We are concerned that the submitters listed above will not appreciate the need to protect their position, should they wish to pursue the submission they lodged at Stage 1, by making the equivalent submission as part of the Stage 2 process. That concern extends to Glen Dene Limited and Sarah Burdon (which are the only submissions identified in Appendix H to counsel's 23 November 2017 memorandum as being transferred to Stage 2) because as we read the effect of clause 16B(1) of the First Schedule, their submissions will only be carried over into Stage 2 as regards the land which has now been notified as being zoned Visitor Accommodation.
8. We have asked the Hearing Administrator to provide a copy of this Memorandum to the above submitters in order that they might take advice on their position. We request that the Council advise whether it agrees with our analysis (or otherwise) and copies that advice to the submitters in order that there is no doubt as to what they need to do to protect their position.
9. Secondly, we seek clarification of the Council's view as to our obligations in relation to the above submissions. Is the Council's view that we need to make recommendations on all of the above submissions given that none could be considered to be granted in full by virtue of the zones notified as part of Stage 2

?- and in any event, only the Glen Dene and Sarah Burdon submissions are noted as being transferred to Stage 2.

10. In the case of Glen Dene Limited and Sarah Burdon, as noted above, our reading of the First Schedule provisions is that the aspects of their submission relating to land which has not been zoned visitor accommodation as part of Stage 2 (Lots 1 and 2 DP418972) have not automatically been transferred to Stage 2. We would assume that we therefore need to make recommendations on those aspects. Please confirm whether the Council concurs.

11. The Council's response is requested not later than 5pm on 19 December.

For the Upper Clutha Mapping Hearing Panel

A handwritten signature in blue ink, appearing to be 'T. Robinson', with a large, stylized flourish extending downwards.

Trevor Robinson (Chair)

11 December 2017