

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource Management
Act 1991

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IN THE MATTER of Stage 2 including variations
to Stage 1 of the Proposed
District Plan

**MEMORANDUM OF COUNSEL FOR MIDDLETON FAMILY
TRUST IN RESPONSE TO MINUTE OF THE HEARING PANEL
DATED 16 APRIL 2018**

Dated this 1st day of May 2018

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**MEMORANDUM OF COUNSEL FOR MIDDLETON FAMILY
TRUST IN RESPONSE TO MINUTE OF THE HEARING PANEL
DATED 16 APRIL 2018**

MAY IT PLEASE THE PANEL:

- [1] This memorandum is filed on behalf of Middleton Family Trust (“the Trust”) in response to the minute issued by the Hearing Panel (“the Panel”) on 16 April 2018 regarding submissions the Council considers to not be “on” Stage 2 of the Proposed District Plan (“PDP”).

Background

- [2] There have been a number of memoranda and minutes issued in respect the Trust’s submission to its submission to Stage 1 of the PDP (submission #338).
- [3] While earlier “rulings”¹ were to the effect that part of the Trust’s submission were not to be deferred to Hearing Stream 14 (Stage 2 – Wakatipu Basin Variation), the Council in its Minute of 18 December 2017 confirmed that the panel should not make recommendations on those parts of submission points 338.2 – 338.4 which apply to land now included in the Wakatipu Basin Variation.²
- [4] Notwithstanding this “deemed” submission, the Trust has also lodged submissions to Stage 2 of the PDP (submission #2332).
- [5] The Trust’s submission under #2332 adopted a similar format as the submission lodged under submission #338.
- [6] The purpose of setting out this background is to put in context the Trust’s submission (#338 and 2332) to Stage 2 of the PDP.


¹ Minute dated 17 May 2017

² Noting through clause 16B(1) of Schedule 1 of the Act, these Stage 1 submissions points are deemed to be submissions against the variation and therefore decision making on the appropriate provision / zone, will be deferred until decision making on the variation.

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- [7] The Panel's Minute relates to submission points 2332.2 and 2332.10. In accordance with the Council's Summary of Submissions, these points related to the ONL line.
- [8] The Trust accepts that the Panel has no jurisdiction to consider the location of the ONL boundary as the same is not "on" Stage 2 of the PDP.
- [9] The Trust amends submission #2332 by withdrawing submission points 2332.2 and 2332.10.

Dated this 1st day of May 2018



Jayne Macdonald
Counsel for Middleton Family Trust