

Before Queenstown Lakes District Council

Under The Resource Management Act 1991
And The Queenstown Lakes District Proposed District Plan Topic 12
Upper Clutha mapping

Memorandum of Counsel

Sunnyheights Limited (previous submitter Crosshill Farms Limited 0531

Dated 04 April 2017

Submitter's Solicitor:

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MAY IT PLEASE THE PANEL

- 1 This Memorandum of Counsel is written on behalf of Sunnyheights Limited ("SHL") in respect of the Queenstown Lakes Proposed District Plan, Upper Clutha mapping hearings (Stream 12).
- 2 SHL is the owner of land located at Dublin Bay Road Wanaka (legally described as LOTS 1-3 DP 26282 LOT 3 DP 27742) ("Site"). The Site is the subject of a rezoning proposal submitted to the District Plan Review, in the name of Crosshill Farms Limited (Submitter 0531).
- 3 In accordance with section 2A of the Resource Management Act 1991 ("RMA"), SHL now respectfully requests that it be substituted as the successor of Submitter 0531 for the purposes of pursuing the full relief as set out in that Submission.
- 4 For the purposes of completeness, Counsel for SHL sets out below the legal position under section 2A of the RMA in respect of succession of a submitter in a district plan review:
 - (a) Section 2A(1) of the RMA provides:

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 successor of that person.
 - (b) The High Court in *Kaitiaki Tarawera Inc v Rotorua District Council*¹ interpreted section 2A as enabling a successor to a submitter in a district plan review to pursue a submission, and any subsequent rights of appeal:

"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.
- 5 Accordingly, Counsel respectfully requests that SHL be substituted for Crosshill Farms Limited, and confirms that all future correspondence with Council and the Hearings Panel regarding Submission 0531 will be on behalf of SHL.

¹ *Kaitiaki Tarawera Inc v Rotorua District Council* (1997) 10 PRNZ 698 at pg 8.

Dated this 04th day of April 2017

A handwritten signature in black ink, appearing to read "Rosie Hill", is written over a light grey rectangular background.

Rosie Hill

Counsel for Sunnyheights Limited