



**MAY IT PLEASE THE PANEL**

- 1 This Memorandum of Counsel is written on behalf of Waterfall Park Developments Limited ("**WPL**") in respect of the Queenstown Lakes Proposed District Plan, Wakatipu Basin mapping hearings (Stream 14).
- 2 WPL is the owner of land located at 343 Arrowtown-Lake Hayes Road (legally described as Pt Lot 3 DP 5737 and Lot 1 DP 18109 BLK VII Shotover SD ("**Site**"). The Site is the subject of a comprehensive rezoning proposal submitted to the District Plan Review by Ayrburn Farm Estate Limited (Submitter 0430) which owned the Site during the DPR Submission period. WPL has since purchased the Site from Ayrburn Farm Estate Limited.
- 3 In accordance with section 2A of the Resource Management Act 1991 ("**RMA**"), WPL now requests that WPL be recorded as the successor of Submitter 0430 for the purposes of pursuing the full relief as set out in that Submission and more generally in respect of the remainder of the District Plan Review process.
- 4 For the purposes of completeness, Counsel for WPL sets out below the legal position under section 2A of the RMA in respect of succession to 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*<sup>1</sup> 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."*



Warwick Goldsmith  
Counsel for Waterfall Park Developments Limited

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

