

Before the Queenstown Lakes District Council

Under the Resource Management Act 1991

In the matter of Stage 3B of the proposed Queenstown Lakes District Plan –  
Rural Visitor Zone

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**Memorandum of Counsel on behalf of Barnhill Corporate Trustee Limited and  
DE, ME Bunn and LA Green**

6 November 2020

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**Submitter's solicitors:**

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**May it please the Panel:**

- 1 This memorandum of counsel is filed on behalf of Barnhill Corporate Trustee Limited and DE, ME and LA Green (**Submitter**), in relation to the Council's request that the Rural Visitor Zone (**RVZ**) be listed as an Exception Zone in policy 3.1B.5, and in response to the Panel's Minute dated 29 October 2020.
- 2 The Submitter made submission 31035 in relation to the RVZ.
- 3 The Submitter supports the Council's request to list the RVZ as an Exception Zone.
- 4 The Submitter had always understood that it was the Council's intention that the RVZ would be an Exception Zone. This understanding came from the wording of the decisions version of policy 6.3.3, read in light of the Environment Court's Interim Decision 2.2 which introduced the Exception Zone framework.
- 5 Policy 6.3.3 (as per the decisions version) read:

**Provide a separate regulatory regime** for the Gibbston Valley (identified as the Gibbston Character Zone), Rural Residential Zone, Rural Lifestyle Zone and **the Special Zones** within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and **the policies of this chapter related to those categories do not apply unless otherwise stated.** (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20- 24, 3.3.32).

**[emphasis added]**

- 6 The interim version of policy 3.1B.5 in Decision 2.2. listed the Gibbston Character Zone, Rural Residential Zone and Rural Lifestyle Zone (among others), being the other zones referenced in policy 6.3.3, as Exception Zones. Given the RVZ was a Special Zone in the Operative District Plan the Submitter logically expected it would be listed as an Exception Zone in the PDP, through Stage 3 of the review. The Submitter's submission and the relief it sought was based on this understanding.

- 7 The Submitter agrees with the Council that the Panel can include the RVZ as an Exception Zone as a consequential alteration in accordance with clause 10(2)(b) of the RMA, and that the submissions its references in its memorandum provide the necessary scope.

Dated this 6<sup>th</sup> day of November 2020



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Vanessa Robb  
Counsel for Barnhill Corporate Trustee Limited, and DE, ME and LA Green