

Before the Queenstown Lakes District Council Hearing Panel

Under the Resource Management Act 1991 (**Act**)

In the matter of the renotification of two submissions on Stage 1 of the Queenstown Lakes Proposed District Plan concerning the zoning of land at Arthur's Point by Gertrude's Saddlery Limited and Larchmont Enterprises Limited

Memorandum of Counsel on behalf of Gertrude's Saddlery Limited and Larchmont Enterprises Limited

8 February 2023

Submitters' solicitors:

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May it please the Commissioners

- 1 This Memorandum of Counsel is provided on behalf of Gertrude's Saddlery Limited and Larchmont Enterprises Limited (**Submitters**) seeking directions for closing timetabling of the hearing.
- 2 Counsel for the Submitters discussed with the Panel the potential to 'put their best foot forward' in respect of revised relief tabled through the hearing process, and to assist the Commissioners with consideration of relevant and helpful information to their decision. The Submitters accept that the PDP hearings process does not, as of right, provide for a right of reply to submitters, however in this instance, and given the volume of information tabled at the hearing, it is considered that allowing for this additional step in the timetabling on a limited basis will assist in providing important factual and evidential clarifications and corrections for the hearing record.
- 3 To this end, and to ensure transparency and fairness for all parties, the Submitters set out below the further information they respectfully seek leave to provide to the Panel by way of 'supplementary relevant material/ explanation' and a potential exchange timetable for the same.
- 4 For completeness, none of the below is new evidence to be tabled, save for the visual simulations from parts of the surface of the Shotover River (**Appendix A**). For this material, it is noted that no party raised issue with the reliability and accuracy / methodology of these simulations provided to date in the Submitters' evidence. These simulations have been prepared by the same modeller and using the same methodology as set out in the evidence in chief of Ms Pfluger at 35-40, and therefore there is considered to be no prejudice in providing this information now, which is directly relevant to the hearing. Should further submitters however have an issue with this material, the proposed timetabling allows for such matters to be raised.
- 5 **Supplementary relevant material / explanation to be provided by Submitters in reply:**
 - (a) Photos and visual simulations to the Site from the surface of Shotover River between Edith Cavell Bridge and Big Beach (**Appendix A**);
 - (b) Roading upgrades and current right of way (**ROW**) matters – corrections to misunderstandings and incorrect statements of fact or evidence discussed by further submitters in respect of:
 - (i) The design and extent of ROW upgrades and works required (already tabled in evidence);

- (ii) Engineering capacity of road design to accommodate maximum yields;
 - (iii) Commercial viability and feasibility; and
 - (iv) Implications on temporary legal access, including current ROW informal use;
- (c) Clarifications as to consented / lawfully established activities on the Submitters' Sites;
 - (d) Clarifications on yields assessed by Submitter experts;
 - (e) Response to potential RD activity status for roading upgrade consenting;
 - (f) Revised planning provisions and proposed structure plan.

6 Directions sought as to timetabling and leave;

- (a) Submitters are to provide the above supplementary material in reply by Friday 17 February 2023,
- (b) Further Submitters may raise any procedural issues in response to the Submitters' material in reply by 24 February;
- (c) Council is to provide its right of reply by 10 March 2023.
- (d) Leave is granted for the production of material identified in 5(a) above, and which is attached to this Memorandum as Appendix A.

Dated this 8th day of February 2023



Maree Baker-Galloway/Rosie Hill
Counsel for the Submitters

**Appendix A -
Visual simulations from Shotover River surface between Edith Cavell
Bridge and Big Beach dated 08 February 2023. Viewpoints identified on
page 1**