

**BEFORE THE QUEENSTOWN LAKES  
DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991 (the "Act")

**AND**

**IN THE MATTER** of the Queenstown Lakes District Proposed District Plan

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**MEMORANDUM OF COUNSEL  
30 MARCH 2016**

**G W Stalker Family Trust (535)**

**Mike Henry**

**Mark Tylden**

**Wayne French**

**Dave Finlin**

**Sam Strain**

**Wakatipu Equities Limited (515)**

**Ayrburn Farm Estate Limited (430)**

**Crosshill Farm Limited (531)**

**Cook Adam Trustees Limited/C & M Burgess (669)**

**Slopehill Properties Limited (854)**

**Hansen Family Partnership (#751)**

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## 1. Introduction

- 1.1 This Memorandum addresses the Memorandum from the Hearings Panel dated 23 March 2016, concerning additional material received by the Panel while hearing stream 01B.
- 1.2 This Memorandum and further evidence is prepared on behalf of the Submitters ("**the Submitters**") noted on the front cover page.
- 1.3 Counsel wishes to express concern about the short timeframe allowed to respond to the documents referred to in the Panel's Minute dated 23 March 2016. The Minute from the Panel was received by email on Thursday 24 March 2016 when Counsel was already on a plane from Auckland to Queenstown before being collected from the airport to go away for the Easter break. Friday 25 March and Monday 28 March 2016 were public holidays and Tuesday 29 March 2016 was a legal holiday (observation of Otago Anniversary Day is variable in the Queenstown Lakes District, and is frequently added to Easter, so our office was closed). Counsel has therefore only had this morning to consider the Panel's Minute, consider the accompanying documentation, and formulate this response.
- 1.4 It follows from the above that this response is brief and to the point, particularly in relation to Part 3 below because Counsel simply has not had time to consider the implications of the Witness Conferencing Statement. Accordingly Counsel seeks leave to appear before the Panel at 10am to explain concerns relevant to Part 3 below, which are easier explained in person than in writing. Counsel anticipates that such appearance will be brief – 15 minutes at most.

## 2. Memorandum of Counsel on behalf of QLDC dated 18 March 2016 providing the requested further information

- 2.1 This Memorandum is lodged without prejudice to, or in any way detracting from, submissions already presented relating to the relevant objectives. Counsel assumes that the scope for this Memorandum is limited to commenting on the changes made by Council, without reiterating wider concerns previously raised.
- 2.2 Counsel also assumes that the intent of the Panel in requesting that the objectives be redrafted was not intended to extend to changing the

meaning of the objectives. That is where Counsel's primary concern arises.

- 2.3 In Objective 3.3.5.2 reference to "*landscape character*" has been replaced by a reference to "*quality*". The latter has a significantly different, and much wider, meaning compared to the former. Counsel submits that this change should be reversed by deleting "*quality*" and replacing that word with "*landscape character*".
- 2.4 The amended Objective 6.3.1 arguably contains an implicit presumption that all subdivision use and development will result in adverse effects. That is not necessarily the case. Appropriate subdivision use and development may, for example, enhance landscape character, or at least maintain it. Counsel submits that the word "*inappropriate*" should be inserted in the front of the word "*subdivision*" in Objective 6.3.1.
- 2.5 The previous Submission Point is repeated with respect to Objective 6.3.2.
- 2.6 Submission Point 2.3 above is repeated with respect to Objective 6.3.5.

**3. Expert Witness Conferencing Statement filed on 22 March 2016**

- 3.1 Counsel does not have time to address this issue and lodge this Memorandum by the deadline of midday today, for the reasons detailed above. Counsel requests leave to address the Panel briefly in relation to this issue tomorrow 31 March 2016.



**W P Goldsmith**

Counsel for the Submitters

30 March 2016