

QUEENSTOWN LAKES DISTRICT COUNCIL PROPOSED DISTRICT PLAN - STAGE 1
Amended Summary of Decisions Requested for two submissions seeking relief associated
with land at Arthurs Point

MINUTE OF COMMISSIONERS
23 February 2023

1. The Queenstown Lakes District Council (Council) has appointed a Hearing Panel, which comprises Independent Commissioners Jane Taylor and Ian Munro (the Commission), to hear all submissions and make recommendations on the Plan Change, after it has heard the submissions, as to whether to accept or reject the submissions received and any amendments to the provisions of the Plan Change.
2. The Council is then required to decide whether to accept or reject the Hearing Panel recommendations.
3. On 16 February 2023 the Commission received a Memorandum of Counsel on behalf Gertrude's Saddlery Limited and Larchmont Enterprises Limited (the Submitters) dated 16 February 2023 (the Memorandum), in accordance with the timetabling directions contained in a Minute issued by the Commission on 13 February 2023.
4. On 21 February 2023, three Memoranda were received from Further Submitters, R Wolt and A Hyland, the Arthurs Point Outstanding Natural Landscape Society Incorporated (APONLS), and S Kooy and J Gavin, in response to the Memorandum and in accordance with the timetabling directions. The Further Submitters raised concerns in relation to the content of the Memorandum, alleging that parts of it address matters that are beyond the scope of the directions set out in Commission's Minute dated 13 February 2023; contain submissions and further evidence that the Further Submitters do not have an opportunity to respond to, giving rise to process, fairness and natural justice issues; and contain information and submissions that are tantamount to a 'reply' in direct conflict with the Commission's directions. The Further Submitters did however, notwithstanding their concerns, address the many of the matters that were outlined in the Memorandum, including the provision of further submissions and evidence in some instances.
5. On 23 February 2023 we were advised by the Hearings Administrator that Counsel for the Submitters have reviewed the Memoranda of the Further Submitters and do not intend to make any reply.
6. We have considered the matters raised in the Memorandum and the submissions of the Further Submitters. We agree with the Further Submitters that, in part, the Memorandum exceeds the very limited scope of directions outlined in our Minute of 13 February 2023. As a result, the Memoranda of the Further Submitters have also exceeded the scope of the Minute to the extent considered necessary to address the matters of concern as set out above.
7. Having considered this issue in detail, given the approaches of the parties we have decided to adopt a pragmatic approach in this instance. Only those parts of the Memorandum that are within the scope of the directions contained in our Minute of 13 February 2023, together the corresponding replies of the Further Submitters that address those specific matters (only), will be taken into consideration by the Commission. Matters that we consider to be in the nature of further evidence and or legal submissions will be disregarded with respect to all parties. We do not consider it either necessary or helpful to specify the paragraphs within the various

Memoranda that are 'out of scope', as this material is reasonably plain on the face of the documents.

8. With respect to our upcoming site visit, we are grateful to the APONLS for their suggested 'pause points'. As has been noted by several of the Further Submitters, it is for the Commission to ultimately determine the final itinerary, and we will endeavour to accommodate views from as many viewpoints as practicable. Our primary focus, as discussed at the hearing, will be on the views from the Shotover River corridor, and also on the views from the northern and western sides of the river, including Watties Track.
9. We are confident that any other matters arising with respect to these issues can be appropriately dealt with by Council in their closing and do not intend to enter into any further correspondence with respect to the Memorandum of the Memoranda of Further Submitters.
10. Should any party have any queries in relation to this Minute or require any clarification in relation to the process for this hearing, please contact the Hearings Administrator at dp.hearings@qldc.govt.nz.



Jane Taylor

For the Commission

23 February 2023