

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES DISTRICT COUNCIL**

UNDER the Resource Management Act 1991

IN THE MATTER of submissions on the Queenstown
Lakes Proposed District Plan Variation –
Te Pūtahi Ladies Mile

BY **ANNA HUTCHINSON**
TIM HUTCHINSON
JOHN TAVENDALE
as trustees of the Anna Hutchison
Family Trust

MEMORANDUM OF COUNSEL FOR FURTHER SUBMITTERS

Dated: 16 October 2023

MAY IT PLEASE THE PANEL:

- [1] This memorandum is filed on behalf of further submitters Dan and Mitzi Cole-Bailey, Dot and Hans Arnestedt, Graeme Rodwell, Les and Lesley Huckins, and Robert and Joy Oakes (**further submitters**). The further submitters filed submissions opposing the relief sought in the submission by Anna Hutchinson, Tim Hutchinson and John Tavendale as trustees of the Anna Hutchinson Family Trust (**Hutchinson submission**).
- [2] The further submitters' submissions seek the Hutchinson submission be rejected on the basis it is not "on" the Ladies Mile Variation and accordingly there is no jurisdiction to hear the submission.
- [3] The planning officer for the Queenstown Lakes District Council (**Council**), Mr Brown, in his s 42A report identified the Hutchinson submission as not being "on" the Variation based on legal advice he had received.¹
- [4] On 6 October 2023, counsel for the Council proposed timetabling directions for expert conferencing in relation to the Variation. Counsel for the further submitters advised counsel for the Council that prior to steps being taken in relation to the Hutchinson submission and other submissions where Council had identified jurisdictional issues, it would be appropriate for those issues to be heard and determined. Counsel for the Council advised in response that the Panel was not minded to hear such issues given the streamlined planning process and the Panel's preference to have all material - both on jurisdictional matters and merits of submissions - in front of it before making its recommendations.
- [5] Whilst the further submitters understand this rationale and the benefits of the streamlined process, they do not consider these outweigh the inconvenience and expense that will be incurred by both submitters and the district's ratepayers if submitters and the Council are required to brief expert witnesses to prepare evidence and conference on matters which

¹ Section 42A report, 29 September 2023 at p 59.

may be unnecessary if there is no jurisdiction to hear the submissions to which the evidence relates.

[6] Further, whilst it is acknowledged the Minister has directed specific timing requirements – being the commencement of a public hearing within 85 working days of close of submissions, and a recommendation to the Minister within 50 working days after completion of the hearing – the further submitters do not consider the hearing of preliminary jurisdictional issues to be contrary to that direction. A public hearing and a recommendation (being hearings and recommendations on submissions other than those subject to jurisdictional issues) can proceed unaffected by the jurisdiction issue. The fact some submissions might be first the subject of a hearing on that issue does not infringe on that timetable.

[7] To that end, the further submitters respectfully seek that:

- (a) the jurisdictional issues raised in submissions and referred to in Mr Brown's s 42A report are heard and determined as a preliminary matter; and
- (b) the evidence timetable as it relates to those submissions identified above is suspended.

[8] The further submitters note the direction for parties to raise any preliminary issues with the Panel by 6 November 2023. Subject to the Panel's response to this request, the further submitters will re-confirm their concerns as to issues of jurisdiction at that time.

Dated: 16 October 2023



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G M Todd / B B Gresson
Counsel for the Further Submitters