

**QUEENSTOWN LAKES DISTRICT COUNCIL PROPOSED DISTRICT PLAN: PRIORITY AREA LANDSCAPE
SCHEDULES**

MINUTE OF COMMISSIONERS

29 January 2024

1. The Queenstown Lakes District Council (Council) has appointed a Hearing Panel, which comprises Commissioners Jane Taylor, Peter Kensington and Quentin Smith (the Commission), to hear all submissions and, after it has heard the submissions, to make recommendations on the Variation to the Proposed District Plan: Priority Area Landscape Schedules as to whether to accept or reject the submissions received and any amendments to the provisions of the Schedules.
2. The Council is then required to decide whether to accept or reject the Hearing Panel's recommendations.

Memorandum on behalf of Dr John Cossens dated 17 January 2024

3. A Memorandum on behalf of Dr John Cossens dated 17 January 2024 has been forwarded to the Hearing Panel ("the Memorandum"). Briefly, the Memorandum raises concerns over the Panel's jurisdiction in relation to:
 - (a) *The powers of RMA schedule 1 submission hearings to cure 'procedural errors'.*
 - (b) *The authority of the Hearing Panel to provide non-binding recommendations to the Council that cure "methodological flaws".*
 - (c) *The power of the Hearing panel to meet section 32 requirements and make recommendations to change the landscape schedules when there is a lack of relevant evidence and information to reliably guide those changes.*
4. We record that section 41 of the Resource Management Act 1991 confers on the Commission certain powers under the Commissions of Inquiry Act 1908 (the COI Act), which includes (for these purposes) powers with respect to conducting and maintaining order at Inquiry: see s4(1) – Commissioners Powers. The COI Act also empowers the Commission to receive any evidence that would assist it in its decision-making: s4B(1) – Evidence.
5. Following consideration of the matters raised, the Commission has determined that the Memorandum will not be accepted, for the following reasons:
 - (a) To the extent that the Memorandum raises issues with regard to alleged 'procedural errors' in relation to consultation, these have been dealt with previously in our earlier Minute dated 11 October 2023. We stand by our findings set out in paragraphs 9 to 13 of that Minute, which discuss this matter in full, concluding that the Commission does not have authority to review or make findings with regard to the process of consultation.
 - (b) To the extent that the Memorandum raises issues in relation to landscape methodology and/or any of our potential recommendations in this regard, we refer to our earlier Minute dated 11 October 2023 at paragraphs 14 and 15. Landscape methodology is a matter on which we received expert evidence both prior to and during the hearing, and will be the subject of discussion in our report to Council. We have nothing further to add at this stage of the process,

other than to note that we do not find it necessary to request any further evidence or opinion on the issues raised generally in relation to landscape methodology.

- (c) The adequacy of the evidence and information before the Hearing Panel is plainly a matter for the Commission. We note that evidence has already been put before the Commission by landscape architects, who are experts, and the Commission is entitled to take that evidence and weight it accordingly. As noted above, we have not requested any further evidence or information from any party on the matters raised by Dr Cossens, or any other matter.
 - (d) To the extent that the Memorandum seeks to raise issues or introduce further opinion on landscape methodology or any other matter of evidence, and/or Council's Reply, it is rejected as a matter of process. Council's Reply Legal Submissions were received on 15 December 2023. We have not requested any further evidence or submissions from any parties since Council's Reply was tabled. Were we to now accept Dr Cossens' submission, we would need, as a matter of procedural fairness, to extend an invitation to other parties to file further submissions addressing matters raised in, inter alia, Council's Reply. We decline to do so.
6. We note that in the event that any submitters are dissatisfied with the hearings process, or any of our recommendations that may subsequently be adopted by Council, their rights of participation extend to recourse to the courts.
7. 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

29 January 2024