

## Queenstown Lakes District Council

### Variation to Queenstown Lakes Proposed District Plan: Inclusionary Housing

#### Minute 3:

#### 1. MEMORANDUM OF QUEENSTOWN LAKES DISTRICT COUNCIL – MINUTE 2

- 1.1 The Hearing Panel has received a Memorandum of Counsel for Queenstown Lakes District Council (“Council”) dated 28 November 2023 (“the Memorandum”) in response to our Minute 2 issued on 23 November 2023, in which Council was directed to advise *“whether it agrees to providing its legal advice on the Variation **and/ or** the legal basis on the vires of the Variation and the reasons for that position. The response must include references to the Resource Management Act 1991, in particular section 32, as appropriate”*.
- 1.2 While Council has not agreed to provide its legal advice on the Variation, it has set out a summary of Council’s position with regard to the legal basis of the Variation at paragraphs 5 to 11 of the Memorandum, including references to the Resource Management Act 1991 as appropriate.
- 1.3 We acknowledge and accept Council’s advice that it is entitled to maintain legal professional privilege in relation to its legal advice on the Variation.
- 1.4 We further consider that the summary of the legal basis for the Variation set out in the Memorandum is sufficient to meet the request for information required prior to the filing of expert evidence, as proposed in the Joint Memorandum for Submitters dated 22 November 2023.
- 1.5 It is plain that challenge to the legality of the Variation is likely to be a key issue for the Panel. We note that the Section 42A Report recorded at paragraph 6.4 that: *“Council will present detailed legal analysis as part of its opening submissions”*. We are therefore concerned to ensure that we have sufficient time before the opening of the hearing to read and consider Council’s detailed opening legal submissions and supporting analysis. Currently the date for filing of Council’s legal submissions is 12 noon on Monday 26<sup>th</sup> February 2024, the day before the hearing opens on Tuesday 27<sup>th</sup> February 2024, which we now consider is an inadequate timeframe. Accordingly, we propose to bring forward the date for the filing of Council’s opening legal submissions to 12 noon on Friday 23<sup>rd</sup> February 2024. Given the lead time, we do not consider this to be an unreasonable amendment to the timetable in all of the circumstances. All other filing dates, including those relating to submitters’ legal submissions, remain the same.

#### 2. DIRECTIONS

- 2.1 The Council is directed to file its detailed opening legal submissions **no later than 12 noon on Friday 23 February 2023**. The timetable for the hearing is to be amended accordingly.

Jane Taylor for Jan Caunter, Chair

For the Hearing Panel

29 November 2023