

**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**  
**13 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 9<sup>th</sup> February 2023 the Commission received a Memorandum of Counsel on behalf Gertrude's Saddlery Limited and Larchmont Enterprises Limited (the Submitters) dated 8<sup>th</sup> February 2023 (the Memorandum), seeking directions in relation to leave to file further supplementary material and associated timetabling.
4. On 10<sup>th</sup> February, two Memoranda were received from Further Submitters, R Wolt and A Hyland, and the Arthurs Point Outstanding Natural Landscape Society Incorporated (APONLS) in response to the Memorandum. In essence, both Further Submitters generally opposed the Submitters' requests for directions on the grounds that (with the exception of item 5(f)), the material sought to be provided comprised fresh evidence and/or the opportunity to make additional submissions by way of a 'right of reply', is therefore in breach of orthodox process and would raise issues of natural justice, cause unnecessary delay, and that any matters identified could be appropriately addressed by Council in its closing reply.
5. At the hearing, we understood counsel for the Submitters to have requested leave to file a revised structure plan and associated planning provisions, and indicated that we would be comfortable with a request of this nature.
6. We have considered the matters raised in the Memorandum and the submissions of the Further Submitters. In short, we are of the view that, with the exception of item 5(f), granting leave to file additional material in relation to matters 5(a) to 5(e) risks the introduction of further evidence (as has been acknowledged by Counsel for the Submitters in the context of 5(a)) and in any event is tantamount to granting a right of reply, which is not in accordance with fair process and would cause unnecessary delay. We are confident that any matters arising with respect to these issues can be appropriately dealt with by Council in their closing.
7. We have also considered the further matter raised by R Wolt and A Hyland concerning the statement filed by Mr Murphy on the last day of the hearing. With respect, we do not agree that the statement raises any new 'evidence' or any matters that Mr Murphy is not entitled to express his personal views on. The Commission viewed the site at the locations Mr Murphy has photographed and gained a good appreciation of the site and its environs from these viewpoints. Further, we do not believe that accepting Mr Murphy's statement near to the conclusion of the hearing raises any procedural issues. This is the Council's plan change process, and all submitters are entitled to be treated equally. Although we have endeavoured to hear from the Submitters first, followed by the Further Submitters, this is not a hard and fast requirement.

8. Accordingly, we make the following directions:
  - (a) Leave is granted to the Submitters to provide a revised structure plan and associated planning provisions only. This is to be received by 4pm, Thursday 16<sup>th</sup> February 2023.
  - (b) Further Submitters have until 4pm, Monday 20<sup>th</sup> February to respond to the material in (a) above.
9. At this stage we do not think it necessary to set a date for Council's closing reply, which we understand from the hearing will be forthcoming at the earliest opportunity due to the availability of Council's counsel, Ms Scott.
10. As signalled at the hearing, we intend to make a further site visit, currently scheduled for 8<sup>th</sup> March 2023, to view the site from the Shotover River corridor. We may have questions of the parties following this visit and can attend to any further timetabling matters at that time including, if necessary, setting a date for Council's reply.
11. Should any party have any queries in relation to these directions or require any clarification in relation to the process for this hearing, please contact the Hearings Administrator at [dp.hearings@qldc.govt.nz](mailto:dp.hearings@qldc.govt.nz).



Jane Taylor

For the Commission

13 February 2023