

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL HEARING PANEL**

**IN THE MATTER** of the Resource Management Act  
1991

**AND** the renotification of two submissions  
on Stage 1 of the Queenstown Lakes  
Proposed District Plan concerning the  
zoning of land at Arthur's Point by  
Gertrude's Saddlery Limited and  
Larchmont Developments Limited

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**MEMORANDUM OF COUNSEL ON BEHALF OF ARTHURS POINT  
OUTSTANDING NATURAL LANDSCAPE SOCIETY INCORPORATED**

**(1) ATTENDANCE OF EXPERT WITNESS STEPHEN BROWN  
(2) EXCUSING OF WITNESSES**

**Dated 24 January 2023**

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**Counsel Acting: Alanya Limmer**  
Bridgeside Chambers  
P O Box 3180  
Christchurch 8140

Email: [alanya@bridgeside.co.nz](mailto:alanya@bridgeside.co.nz)  
Telephone: 64 21 812 811

## **MAY IT PLEASE THE PANEL**

1. This memorandum is filed on behalf of the Arthurs Point Outstanding Natural Landscape Society Incorporated (**Society**). It relates to:
  - (a) The Minute of Commissioners dated 2 November 2022; and
  - (b) The Minute of Commissioners dated 20 January 2023.

### **Attendance of Stephen Brown**

2. The Society is calling two expert witnesses – Mr Stephen Brown (landscape and visual) and Mr Brett Giddens (planning). The written evidence of these witnesses was filed on 6 December 2022. No other further submitter has pre-circulated expert evidence.
3. As previously advised<sup>1</sup>, Mr Brown will be in Canada and unable to attend the hearing in person on 1 to 3 February. It is therefore respectfully requested that a telephone or (preferably) an audio-visual link be made available, so Mr Brown can attend the hearing for the duration of the Society's case.
4. It is respectfully submitted that if an AVL link is feasible, this would be the fairest of the two options – particularly given Mr Brown is the only landscape expert appearing for a further submitter and landscape considerations are axiomatic to your considerations. Counsel has attended numerous council and Court hearings since the first lockdown where different parties, counsel or witnesses have appeared via AVL.
5. The Society has made enquiries of the Hearing Administrator and has provided Mr Brown's mobile number and email address.

### **Excusal of witnesses**

6. In reference to paragraph 8 of the 20 January Minute, the Society confirms it does not seek for either of its two expert witnesses to be excused.
7. The Society notes that whilst it has not called an expert in the area of Soil Science it has raised a planning/legal concern in relation to the correct classification of the soil on the Site<sup>2</sup>:

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<sup>1</sup> APONLS Memo 1 November 2022.

<sup>2</sup> Evidence of B Giddens (6 December 2022) at [9.27] and [9.28]

**LUC 1, 2 and 3 land is defined by the NPS-HPL as land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory “or by any more detailed mapping that uses the Land Use Capability classification”. I assume it is the second part of the definition which Mr Hill has based his assessment on.**

**I do not consider that an assessment of the soil classifications simply based on a desktop analysis and review of aerial photographs (notably before the trees were removed) would constitute “more detailed mapping” that uses the Land Use Capability classification. In my opinion, the level of assessment is not dissimilar to the soil mapping that the NPS-HPL directs a reader to consider prior to any soil maps being made operative in the RPS.**

8. The Society draws this to the Panel’s attention simply for the sake of completeness. The Society is not suggesting this necessarily impacts on the Panel’s decision to excuse Dr Hill’s attendance.

Dated this 24th day of January 2023



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**Alanya Limmer**  
Counsel for Arthurs Point Outstanding Natural  
Landscape Society Incorporated