

Before the Queenstown Lakes Hearing Panel

Under the Resource Management Act 1991

In the matter of 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 Enterprises Limited.

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**Memorandum of Counsel on behalf of Gertrude's Saddlery Limited and Larchmont Enterprises Limited**

18 January 2023

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**Applicant's solicitors:**  
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**anderson  
lloyd.**

## May it please the Panel

- 1 The memorandum of counsel is filed on behalf of Gertrude's Saddlery Limited and Larchmont Enterprises Limited (**Submitters**) and respectfully seeks to excuse some of the Submitter's experts from attendance at the hearing scheduled 01 – 03 February 2023.
- 2 This request is on the basis there appears to be consensus on certain expert matters, and in order to streamline cost and timing for the hearing process as far as possible. On this basis, if the Panel does not have questions for these experts, Counsel respectfully requests they be excused from attendance. Should questions arise in the course of the hearing requiring those witnesses to be called, they will be available to attend and answer questions via phone.
  - (a) **Dr Reece Hill** – Dr Hill's evidence has been peer reviewed by Council's expert, Mr Lynn, and Ms Evans in her rebuttal evidence for Council concludes:

[4.4] Based on the findings of the two experts (Dr Hill and Mr Lynn) that the land is not LUC 3 (or 1 or 2), I consider that the NPS-HPL does not apply to the submitters' proposal.
  - (b) Accordingly, there appears to be no expert evidence in dispute as to Highly Productive Land relevant to this hearing, between those witnesses who have the requisite expertise in this matter.
  - (c) **Paul Faulkner** – Mr Faulkner and Mr Bond for the Council are in agreement as to the geotechnical risks relevant to the Site and its proposed rezoning. Ms Evans' s42A report concludes:

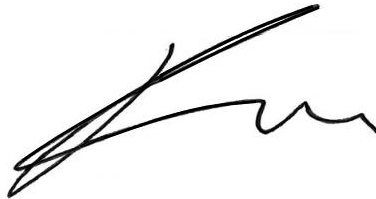
[3.2] Based on the evidence of Mr Bond, I accept the original relief is acceptable with respect to geotechnical and natural hazards risk
  - (d) Accordingly, there appears to be no expert evidence in dispute as to natural hazards or geotechnical risks relevant to this hearing.
- 3 No further submitters have called evidence on the above matters of expertise.
- 4 In addition to the above two experts, there may be potential for other experts called by the Submitters to be excused from attendance at the hearing and for their evidence to be taken as read, if the Panel does not have questions for them.

- 5 If there are any such experts who fit in this category, the Submitters would be grateful for the Panel to provide directions as to their attendance at the hearing, and on the same basis as set out in 6b below.

**Directions sought**

- 6 The Submitters respectfully seek the following directions from the Panel:
- (a) Mr Faulkner and Dr Hill for the Submitters are excused from attendance at the hearing and their evidence will be taken as read;
  - (b) In the instance that questions do arise in the course of the hearing for Mr Faulkner or Dr Hill, the Submitters will call those experts to present at the hearing by phone.
- 7 Ms Pflüger for the Submitters is also only available to attend the hearing on the first day (01 February) given commitments on the subsequent days, the Submitters wish to make the Panel aware that she will be called on 1<sup>st</sup> February and not in attendance at the hearing thereafter, however should questions arise in the course of the hearing for Ms Pflüger, those could be answered in writing by way of reply.

Dated this 18<sup>th</sup> day of January 2023



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Maree Baker-Galloway/Rosie Hill  
Counsel for the Applicant