

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS PANEL

Under of the Resource Management Act 1991

In the Matter of the renotification of two submission on Stage 1 of the Queenstown lakes Proposed District Plan concerning the zoning of land at Arthurs Point by Gertrude's Saddlery Limited and Larchmont Developments Limited

**Memorandum on behalf of further
submitters R Wolt, A Hyland and D and D
Torrington**

Dated: 20 October 2022

MAY IT PLEASE THE PANEL

1. This memorandum is filed by and on behalf of further submitters Rebecca Wolt, Andrew Hyland, and Daniel and Deborah Torrington (**Further Submitters**).
2. The Further Submitters own land and reside at Arthurs Point, at 6 Larkins Way and 27 Mathias Terrace respectively.
3. The Further Submitters' land and homes are directly adjacent to (north of) the land that is sought to be rezoned. Profile poles have recently been erected on the Submitters' land (Larchmont) that directly overlook and dominate the Further Submitters' properties.
4. The Further Submitters are significantly adversely affected by the proposed rezoning.
5. The Further Submitters have read the memoranda filed on behalf of Gertrude's Saddlery Limited (**GSL**) and Larchmont Developments Limited (**Larchmont**) (together the Submitters) dated 13 October 2022, and the Arthurs Point Outstanding Natural Landscape Society Incorporated (**Society**) dated 19 October 2022. This memorandum responds to matters raised in these memoranda.

Submitters Memorandum

6. Attached to the Submitters' memorandum is draft Structure Plan for the land that is proposed to be rezoned. The Further Submitters have not previously been provided with or seen the Structure Plan.
7. The Structure Plan is ambiguous in so far as it appears to exclude the Larchmont's land from the structure plan area (entitled the 'Murphy Land' on the Structure Plan), yet denotes a 'LLR' zoning for this land, when this land is presently zoned Rural.
8. The 'on the ground' location of the proposed building platforms shown on the Structure Plan is unclear due level of detail (or lack thereof) provided on the Structure Plan, and it is difficult to ascertain where these building platforms are located relative to the natural and existing contours of the land (which are complex). At least one is directly on a ridgeline and escarpment.

9. In effort to obtain clarity, the Further Submitters have requested that the Submitters provide them with a copy of the Structure Plan overlaid on an aerial photo or topographic plan, however this information has not been provided, nor has any response to the request been received.
10. The Structure Plan does not include any zone provisions, and it is unclear whether the intention is to apply the operative District Plan zone provisions to the areas identified on the Structure Plan, or a bespoke version of these.
11. It is also unclear how subdivision is intended to be dealt with under the Structure Plan.
12. Absent this information, the Structure Plan is meaningless and there is no proper basis for expert witness conferencing to occur.
13. It also would be inappropriate and unfair for this information to be revealed at expert witnesses conferencing (if that is the Submitters' intention), and not to further submitters more generally, who would presumably otherwise be ambushed with the information just prior to or at the hearing.
14. It is astonishing that this information has not been provided to date, given the length of time that this matter has been on foot. It can reasonably be assumed that the information has not been provided so as to disadvantage further submitters and to prevent them from being in a position to properly prepare for the hearing. Given that issues of fairness are paramount here, and are indeed the very reason that this submission has been re-notified, this should not be allowed.

Society Memorandum

15. The Society's memorandum raises a number of process matters and expresses grave concerns as to the fairness and appropriateness of the directions already in place and the amendments to these sought by the Submitters.
16. The Further Submitters agree with the matters raised in the Society's memorandum and share the grave concerns expressed therein.
17. The Further Submitters consider that the present timetable is manifestly unfair and will cause significant disadvantage to further submitters who oppose the

rezoning, who do not have adequate (or any) time consider and respond to the zoning proposal.

18. The Further Submitters consider that in the interests of fairness, it is especially critical that the exchange of evidence in advance of the hearing is sequential, with the Submitters exchanging first, with sufficient time then afforded for further submitters' evidence in opposition. Rebuttal evidence can then follow.
19. Further, the exchange of all evidence, including any rebuttal section 42A report, should be completed before legal and lay submissions are required to be filed. Any joint witnesses conferencing should also be completed, and the joint witness statement available sufficiently in advance of the due date for filing legal and lay submissions.
20. The Further Submitters support the timetable proposed by the Society on these matters.
21. The Further Submitters note that the majority of further submitters are lay persons who are not legally represented and who must fit in their involvement in this process around working lives and families. This should be accounted for in any timetable, and ample notice of any timeframes should be given, and the timeframes should be reasonable in all the circumstances. They should also take account of the time particular time of year, nearing the end of the year and Christmas, which is always an extraordinarily busy time with existing work and family commitments.
22. There is no reason to rush this process. It has been on foot for many years. The Submitters have chosen not to disclose their case and then to disclose it only in part (i.e., via the incomplete Structure Plan) only very recently and very late in the process, and immediately prior to the hearing. They are now seeking to rush through expert witnesses conferencing and evidence. The further submitters should not be unfairly disadvantaged by this. Considerations of fairness and reasonableness should be at the forefront of any process or timetable directions.
23. A further point on process: to the lay person, the method by which the Council's hearing administration team distributes important information is complex and confusing. The information is distributed via a general web link, which then requires the reader to navigate a complex maze of numerous headings and drop

boxes. This risks prejudicing lay further submitters who are not familiar with the process (and even those of us who are familiar find it challenging). It would be much more straightforward and preferable for documents to be circulated via web link **and** in PDF format, or at the very least, via a weblink that takes the reader directly to the relevant document, as opposed to requiring the webpage maze to be navigated.

24. The zoning proposal will affect many Arthurs Point residents in a significant way; it should not be rushed through. Sufficient time should be afforded to all parties to properly prepare for the hearing, but first, and to facilitate this, the Submitters must disclose their case. A sequential evidence timetable is essential if fairness is to prevail.

Dated this 20th day of October 2022

A handwritten signature in black ink, appearing to be 'R Wolt', with a horizontal line extending to the right from the end of the signature.

R Wolt

For and on behalf of the Further Submitters