

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

MEMORANDUM OF COUNSEL ON BEHALF OF ARTHURS POINT OUTSTANDING NATURAL LANDSCAPE SOCIETY INCORPORATED IN RELATION TO:

(1) REPLY INFORMATION MEMORANDUM FILED BY GERTRUDE'S SADDLERY LIMITED AND LARCHMONT ENTERPRISES LIMITED DATED 16 FEBRUARY 2023

(2) SITE VISIT "PAUSE POINTS" MAP

Dated 21 February 2023

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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 the Memorandum filed on 16 February 2023 by Gertrude's Saddlery Limited (**GSL**) and Larchmont Enterprises Limited (**LEL**) (together, the **Submitters**) enclosing Submitters' reply information (**Submitters' Memo**).
2. This memorandum also provides a final copy of the Society's suggested "pause points", for when the Commissioners next visit the area.

Planning Comment on the Submitters' revised provisions

3. Mr Giddens has reviewed the Submitters' 16 February memorandum. He has provided a supplementary brief of evidence addressing the changes made and the extent to which they do (or do not) alter his conclusions (as presented in his pre-circulated evidence and at the hearing). Mr Giddens' statement is **attached**.

Admissibility of parts of the 16 February memorandum

4. The Society objects to the Submitters making further submissions in the 16 February memorandum and says certain parts of it are inadmissible. The prejudice and unfairness caused by the Submitters making submissions in reply was comprehensively addressed by the Society in an earlier memorandum¹ and ruled upon by the Panel. The Society is frustrated at having to raise these matters again and is disappointed, given the Panel's previous direction².
5. The Society submits the following paragraphs should be disregarded on the basis they are simply further legal submission and/or seek to "remind" the Panel of evidence already before it (the inappropriateness of this was specifically addressed in the Society's earlier memorandum³):
 - (a) Paragraph 4;
 - (b) Paragraph 12 (in its entirety);
 - (c) Paragraph 13.
6. Alternatively, the Society seeks further opportunity to comment on those paragraphs to ensure the maintenance of fairness in these proceedings.

¹ Memorandum for the Society dated 10 February 2023.

² Minute of Commissioners dated 13 February 2023.

³ Memorandum for the Society dated 10 February 2023 at [8].

Site visit

7. At the conclusion of the hearing – and in light of the Panel’s indication it would be visiting the subject area again – the Society sought leave to provide the Panel with some suggested viewing points. The Panel granted the request and asked the Society to confer with the Council and Submitters as to a suggested itinerary.
8. In accordance with directions, the Society (last week) drafted a suggested site visit plan and accompanying memorandum. As requested, the Society sent this to other counsel for their input on 15 February.
9. Unfortunately, it has become apparent a Joint Memorandum on this issue will not be possible. The Society therefore tenders the **attached** map as the final version of its suggested “pause points”. Mr Brown is now back in the country and has reviewed the pause points proposed. He has commented:

The viewpoints suggested are valid from my point of view. Even if some, including Crows Nest Road, are private locations, they capture a range of views that are relevant in terms of the amenity experienced and enjoyed by the local community. In my opinion, the viewpoints suggested address both the ONL and the relationship of the subject properties to the Shotover River ONF. As a result, they are relevant in terms of effects on both the local community and the general public – including visitors and tourists. I would not propose any changes to the viewpoints.

10. The Society recognises the Panel will want to hear from other parties on this and ultimately make its own decisions as to:
 - (a) Where to go; and
 - (b) The relevance or importance of what it sees there.
11. On this basis, the Society refrains from making any legal submissions in respect of 10(a) and (b) above.
12. The Society acknowledges the Panel’s advice it undertook a site visit prior to the hearing. The Society is not aware of precisely where the Panel went, so it may be that some of its suggested pause points are unnecessary.

Dated this 21st day of February 2023



Alanya Limmer
Counsel for Arthurs Point Outstanding Natural
Landscape Society Incorporated