

Before the Hearings Panel

For the Proposed Queenstown Lakes District Plan

Under the

Resource Management Act 1991

In the matter

of a variation to Chapter 21 Rural Zone of the Proposed Queenstown Lakes District Plan, to introduce Priority Area Landscape Schedules 21.22 and 21.23

**MEMORANDUM ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL
SEEKING CLARIFICATION OF HEARING DIRECTIONS, AND PROVIDING UPDATE ON
TIMING OF FILING OF UPDATED PRIORITY AREA SCHEDULES**

9 October 2023



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Background

1. This memorandum is filed on behalf of Queenstown Lakes District Council (**Council**) for two reasons:
 - 1.1 To seek clarification in relation to the directions concerning the timing of filing of legal submissions, representations and lay evidence;
 - 1.2 To provide an update to the Panel and all submitters on timing for the filing of the updated Priority Area schedule text; and
 - 1.3 To seek leave to allow Council's expert witnesses the opportunity to file longer summary statements.

Timing of legal submissions, submitter representations and lay evidence

2. The Hearing Panel Minute dated 4 August 2023 (**4 August Minute**) sets out two relevant directions, being:
 - 2.1 At paragraph 9.7, that any **legal submissions or representations** are filed by 12pm on the day prior to the submitter presenting at the hearing.
 - 2.2 At paragraph 7.18, that any submitter who intends to present **lay written evidence**, provide a copy to the Hearing Administrator by 12pm on 10 October 2023.
3. In terms of legal submissions / representations, Council had interpreted the directions as meaning that the Council's legal submissions should be filed by 12pm on Friday, 13 October (being the day prior to the opening of the hearing). Any other submitter wanting to present legal submissions / representations would then be required to file by 12pm the day prior to their allocated presentation time. If this interpretation could be clarified and confirmed by the Panel, that would be appreciated.
4. For completeness, our interpretation of the direction at paragraph 9.8 is that parties seeking to present representations longer than 10 pages, or legal submissions longer than 20 pages, are required to seek leave from the Panel in

writing by 12pm on 11 October 2023. Appendix 1 appears to have merged the directions at 9.7 and 9.8, by recording the date of filing of legal submissions as 12pm on 11 October 2023.

5. By way of email dated 4 October, the Panel granted an extension of time to UCESI and all other submitters proposing to file **written submissions** to 5pm on the day following lodgement of the Expert Conferencing Report.
6. In order to be clear, Council seeks clarification from the Panel that this extension should be intended as applying to the filing of written **lay evidence**, given the direction at paragraph 7.18 of the 4 August Minute, and not submissions / representations.
7. What that will mean is that submitters will be afforded an opportunity to consider the outcome of expert conferencing, ahead of filing any lay evidence by 5pm the day following lodgement of the Expert Conferencing Report, with all other submitters (via their experts) expected to clarify their respective positions in summary statements at the hearing (as per paragraph 10.2 of the 4 August Minute).

Timing for the filing of the updated Priority Area schedule text

8. While the Expert Conferencing Report is yet to be finalised, Council's experts have advised that changes will be required to the content of various Priority Area schedules.
9. The time required to complete these updates may mean that the updated schedule text will not be ready to lodge with the Expert Conferencing Report.
10. So that the Panel, and all submitters and their witnesses, are provided with the updated schedule text ahead of the hearing, Council is proposing to file the updated schedules as an attachment to its legal submissions this week. If possible, Council will endeavour to pre-file its summaries as well, but this may prove challenging.

Request for leave to allow Council to file longer summaries

11. At paragraph 10.2 of the 4 August Minute, the Panel directed that each expert witness provide a summary of no more than 2 pages.
12. As lay submitters may be filing additional evidence this week, which could require a response from Council's expert witnesses, and because there may be a need to address the outcome of expert conferencing on certain matters, Council requests leave to allow Council's experts the opportunity to prepare and present longer summaries.
13. Council is conscious that the Panel's directions seek for submitters and witnesses to focus on key issues, in particular those that remain in dispute. Given the number of issues and schedules that Council's experts have been engaged with, it may be of most use to the Panel and all submitters for the Council to prepare longer, more fulsome, summaries. Council's experts will, of course, endeavour to be as focussed as possible when preparing summaries.

Directions sought

14. Council respectfully seeks clarification from the Panel in relation to the filing date for legal submissions / representations (being 12pm the working day before they are presented), and also seeks leave to allow Council's experts to prepare and present longer summaries at the hearing.

DATED this 9th day of October 2023



M G Wakefield
Counsel for Queenstown Lakes District Council