

Queenstown Lakes District Council

Variation to Queenstown Lakes Proposed District Plan: Te Pūtahi Ladies Mile

Hearing Panel Minute: Response to various correspondence and memoranda

- 1.1 On 21 December 2023 the Panel received a memorandum on behalf of Glenpanel Development Limited (**Glenpanel**) responding to responses provided in relation to transportation matters by Mr Shields and Mr Smith.
- 1.2 In late December 2023, and early January 2024 the Panel received correspondence from Mr Rodwell, Mr and Mrs Arnestedt and Ms Cole-Bailey (**Further Submitters**). In response to this the Panel received a memorandum from counsel for the Anna Hutchinson Family Trust (**AHFT**) dated 23 January 2024.
- 1.3 On 26 January 2024 the reply legal submissions were received from the Council. That also included response statements from the Council's expert team relating to a variety of matters.
- 1.4 On 30 January 2024 the reply s42A Report, and its appendices, were received.
- 1.5 On 1 February 2024 the Panel received an email from counsel for Koko Ridge responding to the Council's reply
- 1.6 On 1 February 2024 counsel for AHFT filed a memorandum raising several concerns about the Council's reply, stating that an affidavit is to be filed, and that counsel was available for a telephone conference if required.
- 1.7 Each of these matters is addressed in turn below.

Glenpanel memorandum

- 1.8 We recognise the concerns raised in this memorandum, and relating to several matters below, as to being careful to make sure that witnesses in response to questions from Panel (and any responses to them) have stuck to responding to the question asked. We recognise that facts are critical to getting right and robust decisions. We are also very mindful of the issues involved and the importance of fairness and natural justice in the process. Procedural fairness will be front of mind, and we will apply it in all circumstances as we work through the material.

AHFT and the Further Submitters

- 1.9 Again, this is an issue of process. We recognise the importance of the issue for both the Further Submitters and AHFT. The Further Submitters have provided submissions and material already covering many of the same matters which we have read, had the benefit of submissions of counsel on, and will very carefully consider. We recognise that, should we accept that AHFT's submission as being "on" the Variation we then need to make a substantive assessment. In relation to that the ground has changed in what has been proposed. That outcome is typical of a planning process (and applies across the whole TPLM Variation). We accept though that it can be confusing for submitters. However, the process we are following has provided considerable opportunity to be involved but does not enable this material to be provided at this time.

Koko Ridge response to the Council's reply

1.10 We note the concerns raised by counsel for Koko Ridge as to matters raised in the Council's reply and potential unfairness on it not calling evidence as it was agreed at pre-hearing conferences. The Panel is mindful of, and capable of working through, such issues **but if counsel wants to file a memorandum that must be before 12 noon on Wednesday 7 February 2024**. To meet the required timeframes, we need to close the hearing and proceed with preparing our draft decision (ideally that would be today, but we will extend it to close off these final matters).

AHFT's response to the council's reply

1.11 This memo raised several concerns about the Council's reply. Mr Murray is apparently going to file an affidavit to respond to factual concerns. **Any such affidavit is required ideally today but before 12 noon on Wednesday 7 February 2024**. To meet the required timeframes, we need to close the hearing and proceed with preparing our draft decision (ideally that would be today, but we will extend it to close off these final matters). Again, we are very aware of, and confident we can achieve, procedural fairness and will read all material, and prepare our decision, focusing on that. Therefore, while appreciated given the flurry of material recently, we do not consider we need a telephone conference.

David Allen, Gillian Crowcroft, Hoani Langsbury, Judith Makinson and Ian Munro.

Independent Hearing Commissioners

2 February 2024