

**BEFORE AN INDEPENDENT HEARING PANEL
APPOINTED BY QUEENSTOWN LAKES DISTRICT COUNCIL**

UNDER THE Resource Management Act 1991

IN THE MATTER of a Variation to the proposed Queenstown Lakes District Plan (Te Pūtahi Ladies Mile) in accordance with Part 5 of Schedule 1 to the Resource Management Act 1991

**MEMORANDUM OF COUNSEL ON BEHALF OF THE ANNA HUTCHINSON FAMILY
TRUST REGARDING PROCEDURAL ISSUES**

DATED: 6 NOVEMBER 2023

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MAY IT PLEASE THE HEARING PANEL

1. This memorandum is filed on behalf of the Anna Hutchinson Family Trust (**Trust**), a submitter on the Variation, and relates to clause 11.12 of the Minute and Directions 1 (**Minute 1**) issued by the Hearing Panel (**Panel**) relating to parties seeking procedural directions.

2. The Panel has already issued a minute dated 18 September 2023 (**Further Minute**) in response to an earlier memorandum from the Trust regarding the Panel's expectations about ongoing engagement through the process to resolve outstanding issues. The Panel observed and directed in the Further Minute:
 - 1.2 The Hearing Panel expects that experts engage constructively with their relevant counterparts in an efficient manner throughout the whole process with the intent to identify, narrow and resolve issues.
 - 1.3 The exact timing of when such engagement occurs will vary with the circumstances. The Hearing Panel has directed expert conferencing (Directions 9.9-9.11) which it requires experts to complete. However, the Hearing Panel expects experts to meet, in line with 1.2 above, throughout the whole process, not just during conferencing.

3. It is understood that new and material evidence regarding the SH6 road corridor through the Variation zone was advanced and discussed during transportation conferencing. This will also have implications for other disciplines, notably urban designers, which remain unresolved and would benefit from further careful consideration.

4. A direction is therefore sought that the expert witnesses who participated in transportation and urban design conferencing re-convene under the supervision of the previous facilitators (remotely if possible), immediately following the filing of the Council's rebuttal evidence to seek to resolve outstanding issues through a further conferencing statement.

5. In addition, there were a range of site-specific issues related to the relief sought by individual submitters, such as the Trust, that will remain at large following conferencing.
6. In accordance with the Panel's previous directions, leave is sought for relevant witnesses for the Trust to further engage with their counterparts for the Council and/or other submitters who have an interest, to seek to agree on matters of detail. This is likely to be most relevant to the Trust's planning and landscape experts. This need not be subject to formal facilitated conferencing but rather responsible discussions between experts, subject to their duties and responsibilities under the Code of Conduct.
7. It may be that this is already covered by the directions in the Further Minute. For the sake of clarity however, it is anticipated that, with further constructive discussions as sought, outstanding matters of detail may be able to be resolved by filing of specific outcomes of expert discussions prior to the hearing and/or as attachments to counsel's legal submissions (see para 11.10(b) of Minute 1).
8. It is respectfully submitted that the further engagement sought by the Trust is anticipated by its previous minutes and directions, and will be an effective means of resolving and/or narrowing down areas of expert agreement or disagreement so as to assist the Panel with its deliberations and to enable a focused and efficient hearing process¹.

DATED this 6th day of November 2023



James Winchester
Counsel for the Trust

¹ See for example paragraphs 7.1, 7.2, 9.4, 9.7, 9.8 and 9.9 of the Minute