

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS PANEL

UNDER the Resource Management Act 1991

IN THE MATTER of the review of parts of the Queenstown Lakes District Council's District Plan under the First Schedule of the Act

AND

IN THE MATTER of submissions and further submissions by **QUEENSTOWN PARK LIMITED AND REMARKABLES PARK LIMITED**

**MEMORANDUM OF COUNSEL FOR QUEENSTOWN PARK LIMITED AND
REMARKABLES PARK LIMITED**

HEARING STREAM 13 – QUEENSTOWN MAPPING

12 JULY 2016

**BROOKFIELDS
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MAY IT PLEASE THE PANEL:

Introduction

1. This memorandum of counsel is filed on behalf of Queenstown Park Limited (QPL) and Remarkables Park Limited (RPL) with respect to the Queenstown Lakes District Council's Stream 13 rezoning and mapping hearings. For the reasons that follow QPL and RPL seek leave to file further legal submissions by 17 August 2017.¹
2. The QPL and RPL submissions are scheduled to be heard on 4 to 7 September 2017.
3. QPL and RPL filed evidence and a summary of legal submissions on 9 June 2017. The summary of legal submissions recorded that a detailed review of the evidence would be addressed in further legal submissions once all the evidence had been filed and exchanged².

Rebuttal Evidence

4. The Panel's Minute dated 26 June 2017 requested that legal submissions be filed by or on Friday 14 July 2017. This date was identified to enable parties to properly consider rebuttal evidence.
5. The Council filed rebuttal evidence on QPL's submission relating to ecology, landscape, economics and traffic on Friday 3 July 2017. The Council also filed rebuttal evidence on planning, farming and geotech at 3pm Tuesday 11 July 2017.
6. The Council's evidence has been circulated to QPL's and RPL's experts, and is currently being considered by them. It is expected that detailed comments will be provided soon that may result in:
 - (a) QPL and RPL seeking leave to file limited supplementary evidence; and
 - (b) An invitation being extended to the Council to have some experts engage in expert conferencing.

Either of these steps would be taken by 31 July 2017 at the latest.

¹ It appears from the hearing schedule on the Council's website that no submitters are being heard on 18 and 25 August 2017 and 1 September 2017, which may provide the Commissioners an opportunity to review the evidence. We acknowledge, however, that the Commissioners may have other commitments or be reviewing other evidence as part of the Stream 13 hearings.

² See paragraph 1.10.

Annotations on Maps

7. Counsel for the Council filed a memorandum dated 6 June 2017 addressing its position on annotations on maps. At that time, QPL and RPL were immersed in evidence preparation.
8. The Chairman issued a Minute dated 12 June 2017 recording the Panel's view on annotations on maps. Counsel for the Council replied by memorandum dated 30 June 2017.
9. Counsel does not wish to delve into the detail of the issues raised in this memorandum, but will do so in further legal submissions because there are implications for both QPL and RPL. For example, the evidence of Mr Buxton exchanged at 3pm on Tuesday 11 July 2017 indicates that the "annotations on maps" issue is relevant to the gondola corridor overlay over the Remarkables Park Zone³.
10. It is submitted that this issue requires careful consideration to ensure that submitters are not prejudiced. Counsel is obliged to record that it has had great difficulty determining how Stage 1 of the review was intended to operate and how the ODP and PDP were to be reconciled. Prejudice to submitters also seems to be a key concern for the Panel.
11. Counsel intends addressing this issue in detail in further legal submissions. It is a complex issue. Counsel intends focusing on navigating a fair and lawful path through the issues that have arisen from the Council's decision to stage its review but also notify proposed chapters of district wide application as part of the first stage.

Impending Absence

12. Counsel is overseas from 17-24 July 2017. He will have sporadic access to emails and the internet. He is unlikely to be able to properly advance the matters noted above during this time.
13. Counsel also has other hearing commitments during early August 2017, including:
 - (a) Ziptrek's PDP submission on 4 August 2017;
 - (b) A one day Auckland District Licensing Committee hearing on 7 August 2017;
 - (c) A one day Wellington District Licensing Committee hearing on 15 August 2017; and

³ See paragraph 3.25.

- (d) A Local Alcohol Policy hearing before the Alcohol Licensing and Regulatory Authority sitting in Kaikohe on 16 August 2017.

Leave Sought

- 14. Given the above, we respectfully seek leave to file further legal submissions on 17 August 2017. Leave is sought to enable counsel to:
 - (a) File helpful and considered legal submissions on the evidence and the Panel's approach to the evaluation of that evidence;
 - (b) Explore the possibility of expert conferencing and consider whether supplementary evidence is necessary to assist the Panel's evaluation; and
 - (c) Properly consider and address the implications of the memoranda and minutes concerning annotations on maps.

DATED the 12th day of July 2017



J D Young

Counsel for Remarkables Park Limited and Queenstown Park Limited