

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991 (the
“Act”)

AND


IN THE MATTER of the Queenstown Lakes District Council
Proposed District Plan

Memorandum of Counsel on behalf of Peter and Margaret Arnott

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1. Counsel acts for Peter and Margaret Arnott who have made submissions (Original Submission Number: 399 and Further Submission Number: 1167) in relation to the Queenstown Lakes District Council's Proposed District Plan ("PDP") that was notified on 26 August 2015.
2. Counsel refers to the Minute of the Hearing Panel ("Panel") dated 23 March 2016, concerning additional material received by the Panel while hearing stream 1B. Specifically, Counsel refers to paragraph 3 of the Minute, which invites comments on any of the documents that are identified in paragraph 1 of the same. The documents identified include the Expert Witness Conferencing Statement ("EWCS") filed on 22 March 2016.
3. The EWCS was the result of the planning experts representing the Queenstown Airport Corporation ("QAC") and the Queenstown Lakes District Council ("QLDC") undertaking expert witness conferencing with respect to the relief sought by QAC on Chapters 3 and 4 of the PDP.
4. Counsel refers to the EWCS's proposed amendment to Policy 4.2.2.4 to include the words "or within the Outer Control Boundary". Counsel submits that there is no jurisdiction for such a change and that the adding of such words to the policy is ultra-virus, as no party including the QAC and the QLDC filed a submission or further submission seeking to make such an amendment. Counsel submits that the amendment will potentially affect landowners whose land is located within the Outer Control Noise Boundary and those parties have not had an opportunity to submit on the same.
5. As a consequence the proposed amendment cannot be considered for approval and inclusion in the PDP.
6. Counsel assumes that this is why Mr. Chris Ferguson does not agree to the amendment of Policy 4.2.2.4.
7. Counsel apologises that given the intervening Easter and Anniversary Day, the short time period given to respond to the memorandum has meant more detailed submissions cannot be provided.
8. Counsel notes that he is unable to attend the reconvened hearing on Thursday 31 March due to other hearing commitments.


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G M Todd
Counsel for Peter and Margaret Arnott

30 March 2016