

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS PANEL

Under of the Resource Management Act 1991

In the Matter of the renotification of two submission on Stage 1 of the Queenstown lakes Proposed District Plan concerning the zoning of land at Arthurs Point by Gertrude's Saddlery Limited and Larchmont Developments Limited

**Memorandum of further submitters R Wolt,
A Hyland**

Dated: 10 February 2023

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MAY IT PLEASE THE PANEL

1. This memorandum is filed by further submitters Rebecca Wolt and Andrew Hyland in response to the memorandum on behalf of the Submitters dated 8 February 2023, seeking directions for the Submitters' closing.
2. The Submitters seek directions that would enable them to file new evidence and further legal submissions on several matters including:
 - (a) landscape;
 - (b) traffic/road upgrades;
 - (c) commercial viability/economics;
 - (d) the consented baseline/the lawfulness of existing activities;
 - (e) development yield (possibly for the existing zoned LDSRZ land and the proposed zoning, although that is unclear);
 - (f) the likelihood of the operative LDSRZ being developed (re required roading upgrades); and
 - (g) revised zone rules; and
 - (h) an updated structure plan.
3. We oppose the directions sought for reasons including that they:
 - (a) Seek to provide the Submitters with an opportunity to call new evidence and make further submissions on matters that were squarely raised in pre-lodged further submissions, and/or in the Council's and further submitters' pre-lodged evidence and statements, and could have been (but for reasons unknown were not) addressed in the Submitters' pre-lodged evidence, legal submissions or in the summaries of these presented at the hearing;
 - (b) Seek to enable to Submitters to have the 'last word' on these matters, with no opportunity for their further evidence/legal submissions to be

- tested, or for further submitters to provide comment or further evidence in response, which would be highly prejudicial to further submitters;
- (c) Purport to enable various matters to be 'clarified' when plainly what is sought is an opportunity to provide new evidence and/or legal submission on these matters;
 - (d) Seek to make further submissions on how the Commission should interpret and weight the evidence, when that is a matter properly within the Commission's remit and expertise;
 - (e) Are highly unorthodox in the context of the District Plan review, including as that process has been run for all District Plan review matters to date (with the exception of the filing of updated proposed zone rules and structure plan) and where submitters and further submitters have equal standing, and the Council (not submitters) has the right of reply.
 - (f) Natural justice issues will arise for further submitters, if the Submitters request is entertained.
4. If the Commission is to entertain the Submitter's request, then further submitters should be given an opportunity, and adequate time (several weeks), to respond to all new material filed (not just procedural matters, as the Submitters propose), including with expert evidence if necessary. Obviously, this would delay the timetable, including the Council's date for filing its closing, which is undesirable in all the circumstances and underscores the fact that it would be inappropriate to entertain the Submitters' request.
5. It is noted that this matter has been on foot for many years. The Submitters' submissions were re-notified early last year. The Submitters have had ample time to address, through evidence and/or submissions, the matters they now raise. They should not be allowed to bolster their case at the eleventh hour, with no opportunity for further submitters to substantively respond.
6. In any case, for the most part, the Council can clarify the matters now raised by the Submitters in its closing, if it considers that will assist the Commission with its decision making. Further evidence/submissions from the Submitters on these matters is thus unnecessary.

7. Separate but related to the above, it is necessary to address the statement of evidence of Mr Murphy filed on the last day of the hearing. This evidence was filed after further submitters had presented their cases, such that further submitters have had no opportunity to address the matters raised therein. Ms Maree Baker- Galloway assured us and the Commission at the hearing that Mr Murphy's late evidence would merely address the history of the Murphy land ownership, and would not contain anything controversial. Contrary to these assurances, the evidence filed goes much further than merely addressing the history of the Murphy land ownership, and Mr Murphy expresses views and opinions on the matters at the heart of the Commission's inquiry. Given further submitters have not had an opportunity to consider or respond to Mr Murphy's very late evidence, there is a real risk that they will be procedurally and substantively prejudiced if it is accepted. In these circumstances, the Commission should not accept Mr Murphy's late evidence, or it should give it no weight whatsoever.
8. In summary, it would be both procedurally and substantively unfair (and potentially amenable to review) to grant the Submitters' request.

Dated this 10th day of October 2022



R Wolt

For and on behalf of the R Wolt and A Hyland