

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Stage 3 of the
Queenstown Lakes
Proposed District Plan

MINUTE 21 – WAIVER OF EVIDENCE DEADLINE (5)

Introduction

1. I have two further evidence timeline issues to address.
2. In Minute 15, I gave leave for the evidence of Cardrona Cattle Company Limited (“CCCL”- #3349) to file its evidence in chief by 1pm on 5 June. Two briefs of evidence were filed at 4:54pm on that day, those of Messrs Milne and Giddens. The covering email noted, among other things, that an economics brief would follow shortly, but that the author had been unable to complete same by reason of a family bereavement. In the event, that brief, of Mr Angus, was filed mid-afternoon Friday 12 June, accompanied by an application for waiver from Ms Steven QC. She advised, firstly that late filing of the first two briefs was the result of a miscommunication between herself and Mr Giddens. The evidence had been ready, but each thought the other was going to file it. She confirmed also the earlier advice, that the delay in filing Mr Angus’s evidence was due to a family bereavement.
3. Secondly, the Council has sought to expand the categories of evidence able to be rebutted on 19 June to include Mr Jones’ landscape rebuttal and Mr Powell’s infrastructure rebuttal on the Corbridge Estates Limited Partnership submission (#31021) and Mr Powell’s infrastructure rebuttal and Mr Smith’s traffic rebuttal on the Universal Developments (Hawea) Limited submission (#3248). The covering application noted in both cases the extent and detail of the information provided by the respective submitters combined with the extent of other evidence needing to be addressed by the Council’s witnesses as explaining the need for extra time. The

application also noted that Mr Smith had had personal commitments exacerbating the workload issues he faced.

Discussion

4. CCCL's submission is the subject of two opposing further submissions, those of Scope Resources Limited and Rock Supplies NZ Limited. I requested that the hearing administrator forward on Ms Steven's application to counsel for those further submitters, and to the Council's legal advisers, seeking urgent feedback.
5. The response from counsel is that the Council can manage its response to CCCL's evidence within the original deadline directed in Minute 15, that is to say 19 June.
6. The further submitters did not comment.
7. The evidence of Messrs Milne and Giddens was not received so late that, in my view, any party is materially prejudiced. The delay in receipt of Mr Angus's evidence is more of a problem. Having said that, I can readily accept the personal circumstances that have led to the delay in filing. I also note that while detailed, Mr Angus's evidence is not long, and most of what he has provided is factual in nature, supporting the expert opinions he draws from the data. Given the response of other parties, as above, I am prepared to accept all three briefs on the basis that any rebuttal evidence may be filed on or before 1pm on 19 June.
8. As regards the Council's application, this is rather easier to deal with. The volume of rebuttal evidence the Council has already filed rather speaks for itself in terms of the workload on the relevant witnesses. I acknowledge also the advice received as to Mr Smith's personal circumstances. Lastly, the respective submitters will not be prejudiced by late receipt of this rebuttal evidence as they are not due to be heard for several weeks.
9. I therefore give leave for the Council's rebuttal evidence to the evidence for Corbridge Estates Limited Partnership (more specifically the evidence of Mr Powell and Mr Jones) and Universal Developments (Hawea) Limited (more specifically the evidence of Mr Smith and Mr Powell) may be filed on or before 1pm on 19 June.

Dated 15 June 2020

A handwritten signature in blue ink, consisting of a large, stylized 'T' followed by a series of connected loops and a horizontal line extending to the right.

**Trevor Robinson
Chair
Stage 3 Hearing Panel**