

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of the Queenstown Lakes
Proposed District Plan

MINUTE CONCERNING LODGEMENT OF EVIDENCE
FOR HEARING STREAM 1B

1. The Council provided its s.42A reports for Hearing Streams 1A and 1B at or about 5pm on Friday 19 February last. These were loaded by 5:26pm. It transpired that the Council had neglected to include Part 2 of Appendix 1 to Mr Paetz's report in respect of Hearing Stream 1B. This was received today and loaded onto the website by 12:45pm and all persons seeking to be heard in respect of Hearing Stream 1B were notified of its availability by email at 1:16pm.
2. As a result of both the missing Appendix and the timing of availability of the substantive material on Friday, several practitioners have sought one or more of the following:
 - a) That the time for lodgement of evidence be delayed to Monday 29 February;
 - b) That the timing for lodgement of evidence be delayed 5 working days;
 - c) That the evidence be lodged 5 working days prior to the relevant submission being heard.
3. There has also been a complaint that no notice was provided on Friday of the availability of the reports. I am advised that the information as to availability and a link to the particular part of the website where it would be available was included in the notice of hearing.
4. The purpose of the lodgement of evidence is to enable the Hearing Panel to read it all in advance of the hearings commencing. This is particularly important given that some evidence will be in support of further submissions in relation to other submissions. Having the evidence of submitters read in advance enables the Panel to question the council officers in the light of that evidence. Thus, the advantages in having the evidence all lodged sufficiently in advance for the Hearing panel to pre-read it all accrues to the submitters as much as it assists the hearing process.

5. I note at this point that in district plan hearings evidence lodged by submitters should fundamentally be in support of the submission. Counsel and witnesses have been aware of the content of both the district plan and the submission(s) they are preparing to be heard in respect of since last November at the latest. In addition, the Procedure Minute of 25 January identified the commencement of hearing as 7 March and the time for lodging evidence was set out in that Minute also as 5 working days in advance. Thus, all parties have had knowledge that evidence for the first streams would need to be lodged by Friday 26 February for over a month. I would have expected draft evidence to be prepared by this point, ready to insert relevant comments on the s.42A report contents.
6. I note that some practitioners have complained about the quantity of information contained in the s.42A reports. This is no different from the quantity of material that is frequently exchanged in Environment Court proceedings where parties have 5 working days to deal with it. Nor does it differ from the situation that frequently arises in resource consent hearings where applicants provide large quantities of evidence that submitters have 5 working days to respond to.
7. Whether the s.42A reports were available on the website at 5pm or 5:26pm makes little or no difference in terms of there being 5 working days available for submitters to finalise and lodge their evidence. However, I accept that, for those submitters who are appearing in relation to Chapter 4, there is a small degree of prejudice arising from the late lodgement by the Council of Part 2 of Appendix 1 to Mr Paetz's report.
8. I will extend the time for lodgement of evidence and legal submissions, if provided, to 2pm on Monday 29 February 2016 only to those submitters and further submitters to be heard in Hearing Stream 1B who have submissions on Chapter 4. The lodgement time for all evidence in respect of Hearing Stream 1A and for those submitters wishing to be heard in Hearing Stream 1B who do not have submissions on Chapter 4 will remain 5pm on Friday 26 February 2016.

22 February 2016



Denis Nugent
Hearing Panel Chair