

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of the Queenstown Lakes
Proposed District Plan

THIRD PROCEDURAL MINUTE -
COMMUNICATION WITH THE PANEL

1. To ensure transparency in communications between the Hearing Panel and both the Council and submitters we have concluded that all communications with the panel, with one exception, should be by way of Memorandum. The Memoranda received and the Panel's responses will be available on the Hearings page of the Council website.
2. The exception is the request for time allocation via use of the form on the Council website. Several counsel have lodged Memoranda when seeking additional time on behalf of several clients. We thank them for that and encourage that approach.
3. We also remind submitters that all email communications in relation to the hearings, including Memoranda addressed to the Panel, should be to the address dphearings@qldc.govt.nz. Emailing staff at their individual email addresses is unhelpful as it unnecessarily increases their workload and creates the potential for emails to go unanswered if the staff member is absent or otherwise occupied.
4. Two matters have been raised with staff which are addressed below.

Pre-Lodgement of Legal Submissions

5. We cannot require the pre-lodgement of legal submissions, but we encourage it. We will be able to better understand the case to be presented and the legal foundations of that case if we have had the opportunity to read the submissions and relevant cases prior to hearing counsel. It provides for a more efficient hearing process and enables us to better engage with counsel.
6. Counsel are entitled to table their legal submissions on the day and talk to them. However, we do not want counsel reading out lengthy submissions that could have been lodged in advance and pre-read as that is an inefficient use of hearing time. We are unlikely to grant additional hearing time just to have submissions read out to us and will rely on the provisions of section 41C to ensure an efficient process.

Scheduling of Hearing Times

7. The Panel has set aside a number of days to hear each hearing stream. The number of days is based on those submitters who indicated a wish to be heard, or did not indicate whether or not they wanted to be heard. Until we receive requests for actual hearing times (and additional time), we do not know how many days we will actually require. We also have to provide for hearings in Queenstown and Wanaka.
8. Holding the hearings in an efficient manner also includes minimising the cost to the District's ratepayers for travel and accommodation of commissioners. To this end, the hearing times that can be selected on the website for each hearing stream will initially be for less days than the maximum number the Hearing Panel has set aside. If the demand is such that the number of selectable days needs to be increased, it can be. Our experience with the requests for the streams commencing on 7 March is that we may have set aside more days than we need. It appears that all those who wish to be heard can be heard within the times that were selectable.
9. We note that when time slots are allocated, it is in order of receipt of request. Thus, the earlier a submitter lodges a request for a time slot, the more likely they are to have their first preference allotted to them.

Other Matters

10. I have reviewed the process to date to see how it may be improved. One of the outcomes of that review is that I have advised the Council that, to ensure submitters have adequate time to consider the s.42A reports, those reports need to be provided to our administrators by 12 noon on the 10th working day prior to the hearing. That should ensure sufficient time for loading the documents onto the website and advising submitters of their availability.
11. The Council will be improving the usability of the web page for the hearing process and we expect that will enable us to ensure submitters have advance notice of when we will commence hearing particular streams or topics, and which submissions will be heard in those streams.
12. I can advise now that we expect to commence hearing the Rural Hearing Stream on 2 May and the Heritage and Protected Tree Hearing Stream on 13 June.



Denis Nugent
Hearing Panel Chair
24 February 2016