

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of the Proposed
Queenstown Lakes District
Plan

AND

IN THE MATTER of a submission and further
submissions by Queenstown
Park Limited

DECISION ON REQUEST TO FILE LATE EVIDENCE MADE BY
QUEENSTOWN PARK LIMITED ON 17 MARCH 2016

1. Mr Young, counsel for Queenstown Park Limited ('QPL') filed a Memorandum seeking leave to file further evidence (late) on 17 March 2016. Attached to the Memorandum was a copy of the further evidence to be adduced.
2. It appears from Mr Young's Memorandum that QPL has sought leave to have this evidenced adduced now in anticipation of the Hearing Panel issuing decisions on submissions heard in this hearing stream (being submissions on Chapters 1, 3, 4, 5 and 6) prior to the Hearing Panel proceeding to hear submissions on the remaining chapters of the Proposed District Plan ('PDP').
3. It has always been the case that the Hearing Panel planned to make recommendations to the Council on all the submissions after the conclusion of all hearings. That has not changed and the Hearing Panel are unaware of any intention of the Council to deal with the decisions in any other way.
4. Given that circumstance, the approach suggested by Mr Young in paragraph 4 of his Memorandum, that Ms Carter's evidence be presented at the Rural hearing stream, is appropriate. We do note, however, that as the composition of the Panel hearing the Rural stream will differ from that hearing the Strategic chapters, evidence produced in respect of the Rural stream cannot be expected to apply to those chapters already heard. This was made clear in our Procedure Minute of 25 January 2016¹.

¹ See fourth paragraph on page 3.

5. We note that Ms Carter suggests a slightly different reason for the provision of her evidence, namely, to quote from paragraph 1.1:

“I am concerned that there is a lack of evidence from a landowner perspective. In my view, this evidence is critical to ensuring that fully informed decisions are made.”

6. We have been quite clear in our communications with submitters since mid-January as to the requirement for lodging evidence in advance, and the timeframes within which that was to occur for the first Hearing Streams. We have allowed the late filing of a relatively brief supplementary statement by one witness covering a single provision of the PDP. Ms Carter’s evidence is discursive and ranges from factual evidence, through expert evidence (some of which appears to be outside her area of expertise, quite apart from her acknowledged lack of independence) and into advocacy. This may be the result of a shortage of time in which to draft and review her brief of evidence.
7. In addition, as a discussion of the characteristics of a single property, it can only be of limited assistance, at best, in assisting us to form a view as to the appropriate wording of the Strategic chapters of the PDP.
8. If QPL considers this evidence needs to be presented to the Panel, and Mr Young is satisfied that it should be presented during the hearings on the Rural stream, by refusing leave to file this evidence at this time would enable Ms Carter to attend to some of the difficulties in it we have noted above.
9. Finally, to allow this evidence in at this late stage places a burden on the Panel and a burden on those submitters who may want to comment on it that the evidence lodgement procedures we have put in place were designed to avoid.
10. For all the reasons above, leave to file the further evidence of Ms Carter is refused.

For the Hearing Panel



Denis Nugent (Chair)

18 March 2016