

IN THE MATTER                      of the Resource  
Management Act 1991

AND

IN THE MATTER                      of the Queenstown Lakes  
Proposed District Plan

AND

IN THE MATTER                      of Hearing Stream 12-  
Upper Clutha Mapping

**MINUTE CONCERNING APPLICATION FOR VARIATION OF STREAM 12**  
**HEARING DIRECTIONS BY M BERESFORD (SUBMITTER 149)**

1. We have received a request from Ms Steven QC on behalf of M Beresford (Submitter 149) seeking a variation of the timetabling arrangements the subject of our Seventh Procedural Minute dated 25 January 2017. Senior Counsel advises:
  - She has only recently (on 8 February 2017) been instructed.
  - The land the subject of Mr Beresford's submission (Sticky Forest) is landlocked as a consequence of the Crown's historic alienation of adjacent land.
  - Vesting of the Sticky Forest land forms part of the resolution of the Ngai Tahu Treaty claims, the subject of the Ngai Tahu Claims Settlement Act 1998. Mr Beresford is involved in discussions with the Office of Treaty Settlement to resolve the outstanding access issues (and other unspecified outstanding issues) to enable the transfer of ownership.
  - Access issues will not be able to be progressed adequately within the timeframes contemplated by the current timetable arrangements.

2. Accordingly, Senior Counsel seeks, in the alternative:
  - The hearing of Mr Beresford's submission (currently programmed to commence 2pm on 29 May) be rescheduled to the conclusion of the Upper Clutha Hearing Block on 15 June, if a later date is not able to be accommodated; or
  - Deferral of the date for lodgement of Mr Beresford's evidence until 4 May 2017.
3. Ms Steven QC does not say so directly, but we infer that uncertainty regarding access to the Sticky Forest land may prejudice the prospects of Mr Beresford's submission (seeking rezoning of that land Residential-Low Density) being accepted.
4. The background to this application includes the fact that the Upper Clutha Mapping hearings are the 12<sup>th</sup> out of 14 hearing streams on the Proposed District Plan. Hearing of submissions on the first of those hearing streams commenced on 7 March 2016. This is a process to which considerable resources have already been devoted both by the Council and by submitters and further submitters. It is important that it be brought to a conclusion as quickly as possible, quite apart from our statutory duty (under section 21 of the Resource Management Act 1991) to avoid unreasonable delay.
5. Anticipating that Hearing Stream 12 (Upper Clutha Mapping) would represent significant logistical challenges by a reason of the number of submitters and the nature of the issues their submissions raise, planning for this particular hearing commenced several months ago. The assistance of submitters and further submitters was sought in the form of advice as to hearing requirements and potential parties to the hearing were forewarned of the likely arrangements (refer the Hearing Panel's Minutes of 9 September 2016 and 1 November 2016).
6. Our Minute of 25 January 2017 was accordingly the culmination of a significant logistical planning exercise, and hearing arrangements have been made to ensure that the directions we have made are able to be implemented.
7. We do not wish to infer any criticism of Ms Steven QC, who has advised us extremely promptly following her being instructed of the issues surrounding access to this particular property. She has not, however, advised us how long a delay in

hearing of Mr Beresford's submission might be required beyond the end of the hearing for access to the property to be resolved. We infer that any delay will be advantageous, but that there is no certainty as to when the matter will ultimately be resolved. The fact that it is part of the implementation of a Treaty Settlement reached in 1998 rather tends to speak for itself in that regard.

8. We are not prepared to permit enlargement of the hearing on such a potentially open-ended basis, given the extent of the efforts that have already been made to plan an efficient hearing.
9. However, as a result of rescheduling of Queenstown Airport Corporation's appearance (the subject of an earlier application that we have approved), we are able to accommodate deferral of the hearing of Mr Beresford's submission until virtually the conclusion of hearing. Specifically, a slot can be allocated commencing 12:20pm on 14 June 2017, breaking for lunch between 1 and 2 pm, and concluding 3:30pm.
10. Given the availability of hearing time within the currently planned hearing time, the resulting lack of prejudice to any other party (including the Council), and the indication from Senior Counsel that a delay of this order will assist in her being able to present an updated position to the Hearing Panel on the access issues of concern, we will vary the directions made on 25 January 2017 accordingly.
11. It is noted that the alternative relief sought by Ms Steven QC is not a practicable option. While, as she notes, there may be no prospect of rebuttal evidence from further submitters in this case, our direction making provision for rebuttal evidence was also intended to enable the Council Staff to respond to the evidence lodged by submitters and thereby enable us to be better informed on the matters in contention. Deferring the evidence lodgement date for this submitter to 4 May would prejudice the Council's position and deprive us of the benefit of having the Council's rebuttal evidence on this submission available to us before our site visit, already planned for the week of 8 May.
12. A revised Hearing Schedule incorporating this and other approved variations to the Schedule circulated with our 25 January Minute will be issued in due course.

For the Upper Clutha Mapping Hearing Panel

A handwritten signature in blue ink, consisting of several overlapping loops and a horizontal line extending to the right.

**Trevor Robinson (Chair)**

10 February 2017