

Before Queenstown Lakes District Council

In the matter of The Resource Management Act 1991

And The Queenstown Lakes District proposed District Plan –
Rezoning Hearing Topic 13 Queenstown mapping

Memorandum of Counsel regarding Hearing Stream 13 Timetable

Dated 23 June 2017

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MAY IT PLEASE THE COMMISSIONERS

- 1 This Memorandum of Counsel is written on behalf of several Submitters to the Queenstown Lakes Proposed District Plan (**PDP**).
- 2 Counsel refers to the email from the District Plan administration staff, dated 13 June 2017, and the reference in that email to the Panel's Ninth Procedural Minute. Counsel is concerned with the Panel's request from that email, which states:

In the [Ninth Procedural Minute](#) the Chair indicated that where Legal Submissions are filed in advance of the hearing, they request these prior to commencement of site visits. We can now confirm that the panel intend on commencing site visits on 10 July for 8-9 days
- 3 The consequence of the above request means that legal submissions would be due with the Panel on Friday 07 July. That date is also the date on which rebuttal evidence from the Council and further submitters is due.
- 4 Counsel considers that the pre-lodgement of legal submissions on the same date as rebuttal evidence is due to be received will not be of assistance to the Panel, nor will this assist in the administration of an efficient hearing process.¹ In Counsel's experience with the mapping hearings on the PDP to date, the rebuttal evidence lodged by Council has been substantial and detailed, and has required considered responses by way of legal submissions and / or supplementary evidence. The rebuttal evidence date is also the first opportunity for a Submitter to consider the rebuttal evidence of Further Submitters who may be in opposition to the Submitter's relief sought.
- 5 Rebuttal evidence lodged by Council or Further Submitters may also resolve some issues which would otherwise be addressed by legal submissions.
- 6 Counsel acknowledges that it is of assistance to the Panel to pre-lodge legal submissions in a timely fashion ahead of hearings on a particular submission. Accordingly, where a Counsel elects to pre-lodge legal submissions for the assistance of the Panel, it is respectfully submitted that the appropriate date for pre-lodgement by Counsel would logically be after rebuttal evidence is received so that rebuttal evidence can be considered and taken into account.
- 7 For completeness, Counsel notes that there is no statutory power for an authority conducting a district plan hearing to require the pre-lodgement of legal

¹ Section 18A(a) requires that Every person exercising powers and performing functions under this Act must take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions or powers being performed or exercised

submissions.² However Counsel acknowledges the desirability of providing the Panel with as much assistance as is reasonably possible.

- 8 Accordingly Counsel respectfully requests the Panel to reconsider its earlier request on this issue.

Dated this 23rd day of June 2017

A handwritten signature in black ink, appearing to read 'Rosie Hill', written in a cursive style.

Warwick Goldsmith / Rosie Hill

Counsel for various Submitters

² Sections 41A-41C Resource Management Act 1991