

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 6:  
Residential

### **MINUTE REGARDING LATE NOTICE TO CERTAIN SUBMITTERS**

1.        The Council has filed a Memorandum today advising the Hearing Panel that it proposes notifying some 33 submitters of the hearings for Hearing Stream 6: Residential today, some 15 working days after the public notice went out to other submitters. The Memorandum notes that most of these submitters were notified of the hearings for the Residential stream as they had other submissions on the relevant chapters. It appears that three submitters have received no notice at all.
2.        Although it is not explicit in the Memorandum, it is apparent that the Council, in serving notice today, is relying on the fact that the hearing of submitters in Queenstown will not commence for 10 working days.
3.        I agree with the Council that it is important that these submitters are notified of the hearings and given the opportunity to be heard. To do otherwise would require the setting up of a separate hearing stream to hear those of these submitters who wish to be heard.
4.        I acknowledge that by being notified today, these submitters, particularly the three that received no notice, will not have had adequate notice of the commencement of hearings on Monday 10 October 2016 when the Council will present its case for this Hearing Stream, and some or all of these submitters may have wished to attend that. In addition, the notice is too late for submitters who may wish to be heard in Wanaka, to be heard on Wednesday 12 October 2016 when the Panel will be sitting in Wanaka.
5.        The Council requires a waiver to serve notice on these submitters today. I have been delegated the Council's powers under s.39B of the Act to make decisions on such procedural matters as waiving the time for provision of notice. Section 37 provides that the Council may waive time limits, subject to the requirements of s.37A. Section 37A requires that I take into account:

- a) The interests of any person who, in my opinion, may be directly affected by the extension or waiver;
  - b) The interests of the community in achieving adequate assessment of the effects of the proposed district plan;
  - c) The Council's duty under s.21 to avoid unreasonable delay.
6. The main consideration in this instance is avoiding or minimising any prejudice to submitters arising from the late notice. I consider this can be achieved in the following ways:
- a) If any of the notified submitters wish to be heard and do not have a hearing time allocated at present, they can be provided a time in Queenstown on the afternoon of Tuesday 25 October 2016 or the afternoon of Wednesday 26 October 2016; or in Wanaka on Friday 28 October 2016.
  - b) Any of the submitters in (a) who seek a hearing time not be required to provide their evidence in advance;
  - c) The notice provide links to all the material presently available for the Hearing Stream; and
  - d) The Council provide copies of all the material to be presented to the Hearing Panel on Monday 10 October and Tuesday 11 October on Monday 10 October 2016 (by email if possible).
7. Accordingly, I grant the waiver to the Council to give late notice of Hearing Stream 6: Residential to the 33 submitters listed on the Council's Memorandum of today's date. I direct the following:
- a) The notice be sent out on Friday 7 October 2016 and it contain links to the reports and evidence already lodged for this hearing stream;
  - b) The notice advises that those submitters who have not been allocated a hearing time for this hearing stream but wish to be heard to advise the District Plan Administrator by 12 noon on Friday 14 October 2016 that they want to be heard, and which of the dates and times set out above suits them;
  - c) On Monday 10 October 2016 the Council serve copies of all legal submissions, summaries of evidence and other materials to be presented to the Hearing Panel on the submitters who are the subject of this waiver; and

- d) Where any submitter who has not already been allocated a hearing slot wishes to be heard, the normal requirement requiring pre-lodgement of evidence is waived, and such submitters should seek an appropriate allocation of hearing time to present any legal submissions and/or evidence in full.

7 October 2016

A handwritten signature in blue ink, appearing to read "Nugent", written in a cursive style.

Denis Nugent  
Hearing Panel Chair