

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 Stream 14: Wakatipu
Basin

MINUTE CONCERNING REPLY EVIDENCE
RECEIVED ON 5 NOVEMBER 2018

1. On 24 October 2018 a supplementary hearing was held to hear three submitters whose submissions or further submissions had not be heard in the main set of hearings of Stream 14. At the conclusion of that hearing we received oral replies from Mr Barr and Mr Langman. There were two matters regarding which we sought further clarification as neither Mr Barr nor Mr Langman could provide the answer in the hearing:
 - a) The width of the legal road reserve of Mooney Road; and
 - b) The road design standards from the Council's Code of Subdivision which would apply if more than 150 dwellings were to utilise Mooney Road for access?.
2. We specifically asked for this to be provided by 26 October 2018 and the Panel duly received a memorandum of counsel on that date providing the answers to those questions.
3. On 5 November 2018¹ the Panel received a brief of evidence from Mr Langman purporting to be his reply evidence concerning the Hill and Williamson submissions heard on 24 October.
4. Mr Langman's brief was unexpected as we understood that the Council had completed its case. If the Council had wished to provide additional evidence, it should have sought leave to do so and provided valid reasons why additional evidence was necessary.

¹ We note that the evidence is dated 2 November 2018 and that it was emailed to the Council 2 minutes prior to the close of business on 2 November, however it was not received by the Panel until 5 November.

5. As it is, we have a number of concerns with Mr Langman's brief of evidence. His evidence contradicts the information provided in the memorandum of counsel provided on 26 October as to the width of Mooney Road, but provides no more accurate source of information than the Council's public GIS system and presumably use of the measuring tool included as part of the public interface. He provides evidence of an approximate development potential for the Mooney Road catchment based on the Precinct boundaries recommended by Ms Gilbert which in itself is non-controversial. However, he then proceeds to provide hearsay expert opinion from Mr Smith regarding how the Code of Subdivision in respect of roading could be applied on Mooney Road. This appears to be in direct contradiction to Mr Smith's primary evidence on the topic.
6. In the circumstances, we are not minded to accept Mr Langman's brief into evidence in the absence of a formal application for leave to lodge it. We note that our current view is that, if we were to grant leave for it to be lodged, we would have to provide Mr Hill with the opportunity to lodge submissions and/or evidence on it, with a consequent opportunity for the Council to reply to any submissions or evidence lodged. This would, of course, delay the process of our preparing recommendation reports.
7. We ask the Council to advise how it wishes to proceed as soon as possible, and no later than 14 November 2018.

For the Hearing Panel



Denis Nugent (Chair)

8 November 2018