

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Stage 3 of the
Queenstown Lakes
Proposed District Plan

MINUTE 45 – WALTER PEAK HEARING TIMETABLE

1. In Minute 43, dated 7 December 2020, I directed that those parts of submission #31024 (Wayfare Group Limited) and further submission #31050 (Airbnb) relating to zoning at Walter Peak would be heard 21-22 April 2021 and put in place a timetable for the procedural steps necessary for that to occur.
2. Implementing the directions in that Minute, Wayfare Group Limited has filed more particularised relief and a supporting Section 32AA Evaluation, and the Council has provided its Section 42A Report and supporting evidence.
3. More recently, I issued a further Minute (#44 dated 17 March 2021) addressing preparation for our forthcoming hearing. It was accompanied by the formal Notice of Hearing required under the Act.
4. Wayfare Group Ltd did not lodge its evidence in chief on 24 March, as directed. In a zoom call convened this morning, in which Mr Wakefield also participated for Council, its counsel Ms Baker-Galloway applied to vacate the existing hearing date and to put in place a new hearing timetable.
5. Ms Baker-Galloway has explained that the reasons for her application were partly personal (she has been addressing an urgent family matter and has understandably been somewhat distracted as a result) and also because the fixture date set for this matter conflicts with other commitments both for herself (she will be in a High Court hearing) and for two of Wayfare Group Limited's witnesses (who will be participating in an arbitration).
6. Mr Wakefield advised that Council would consent to an adjournment, provided alternative arrangements could be put in place to ensure that the final Council

decision was able to be made within the two year deadline created by 10(4)(a) of the First Schedule.

7. This matter is unusual in the sense that there are effectively only two active parties, being Wayfare Group Limited as submitter, and the Council. The sole further submitter (Airbnb) has advised that it does not wish to be heard. While I need to consider the general direction in the Act to proceed as promptly as is reasonable in the circumstances, there are no other parties who are affected, and I accept that the need for an adjournment stems from matters outside Wayfare Group Limited's control. In the circumstances, I am prepared to entertain an adjournment, and to vacate the hearing currently scheduled for 21-22 April. Mr Wakefield, however, makes a valid point, regarding the need to ensure that the First Schedule process reaches the point of Council decision within the deadline provided by the Act.
8. Mr Wakefield confirmed his agreement with the tentative conclusion I reached in Minute 14, that that deadline expires 31 October 2021, because the Plan provisions the subject of submission were notified 31 October 2019.
9. Mr Wakefield advised further that the last possible Council meeting which could consider our recommendations on Walter Peak zoning within the statutory deadline is scheduled for 7 October, and that to enable all of the administrative steps necessary to be completed for Council to consider our recommendations on that day, those recommendations would need to be in hand mid-August, at latest (indicatively 18 August).
10. I have consulted my fellow Commissioners and all are available 21-23 June. Ms Baker-Galloway and Mr Wakefield confirmed to me that both the submitter and Council could meet that timeframe. That timing will also give the Commissioners sufficient time to formulate a report and recommendations to Council by mid August.
11. As noted in Minute 44, the Council anticipates requiring three hours hearing time to present its case. I discussed with Ms Baker-Galloway what the Wayfare Group Limited case would consist of. She advised that she expected to be calling four or possibly five witnesses on a range of relevant topics, and that she anticipated that the submitter's case could be concluded within the balance of one day's hearing.
12. I agree with that assessment. If necessary, the Hearing Panel will sit late to ensure that the hearing is completed on one day.

13. Accordingly, I direct that the currently scheduled hearing on 21 April will be vacated and that the submission of Wayfare Group Limited on Walter Peak zoning (and the related further submission of Airbnb) be heard on Tuesday 22 June. A new Notice of Hearing will issue in due course.
14. A 22 June hearing will enable our site visit to be undertaken on Monday 21 June. As previously, Mr Richard Kemp will be in touch with Wayfare Group Limited to discuss the arrangements for that site visit.
15. During my zoom conference with Counsel, we discussed the other key steps that would need to be put in place around a revised hearing date of 22 June.
16. I confirm the following relevant dates:
 - (a) 28 May 2021 for Wayfare Group Limited's evidence in chief;
 - (b) 11 June 2021 for Council's rebuttal evidence;
 - (c) 18 June 2021 for legal submissions for both the Council and Wayfare Group Limited; and
 - (d) 5 July 2021 for the Council's written reply.
17. In each case, as previously, the deadline is 1pm on the appointed day for all material to be in the hands of the Hearing Administrator.
18. During my discussion with Counsel, I made the point and I repeat it now, that the revised timetable that has been put in place leaves no room for further slippage. Accordingly, the parties should proceed on the basis that time is of the essence in relation to compliance with the revised time limits that I have now directed. While I will of course consider any applications the parties might make on their merits, I am not prepared to allow a position to develop whereby the Council is unable to meet its statutory obligations.
19. As set out in Minute 44, I have assumed that Airbnb will not change its mind and seek to participate further in the hearing process. If that position should change, Airbnb is requested to advise the Hearing Administrator as soon as possible. In that event, the same deadlines as are fixed for Wayfare Group Limited would apply to Airbnb.

Dated 30 March 2021

A handwritten signature in blue ink, appearing to read 'T. Robinson', with a large, stylized flourish extending downwards from the end of the signature.

**Trevor Robinson
Chair
Stage 3 Hearing Panel**