

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 BERNIE SUGRUE

Background

1. We have received a request from Mr Scott Freeman on behalf of Mr Sugrue (Submitter 588) seeking a variation of the timetabling arrangements the subject of our seventh procedural minute dated 25 January 2017. The issue arises as a result of an unfortunate accident suffered by Ms Rebecca Holden, which has left her in hospital. Mr Freeman advises that Ms Holden has taken over from Mr Ian Greaves at Southern Planning Group as Mr Sugrue's planning adviser in anticipation of Mr Greaves imminent departure (on 13 April) from the company. Ms Holden's accident, combined with Mr Greaves' departure has posed problems for preparation of the evidence to support Mr Sugrue's submission within the evidence timetable, which requires submitters evidence to be lodged by 4 April 2017. Mr Freeman seeks an extension of that deadline to 2 May 2017.
2. As Mr Freeman notes, there are no further submissions on Mr Sugrue's submission, which seeks that his property located at 237 Wanaka/Luggate Highway be rezoned rural residential.
3. While there are no further submitters who would be prejudiced were his application to be granted, the Council itself has an interest in the matter. The hearing timetable provides that the Council staff will have the right to file rebuttal evidence on any evidence Mr Sugrue

lodges, with such rebuttal evidence to be lodged on 28 April 2017. The section 42A report, just released to the parties, recommends that Mr Sugrue's submission be declined and so we anticipate that the Council may well wish to exercise that right.

4. We therefore invited Council to respond to Mr Freeman's Memorandum. The advice we have from counsel for the Council is:
 - The Council does not oppose an extension to the filing of planning evidence given the unique situation resulting from Ms Holden's accident;
 - That absence of opposition is on the basis that:
 - Any other expert evidence would be filed in accordance with the timetable (i.e. on 4 April);
 - The extension does not apply to any of Southern Planning Group's other clients.
5. As counsel for the Council note, an extension of the evidence deadline for Mr Sugrue to 2 May would leave the Council very little time to prepare rebuttal evidence during the period that it will also be preparing for the hearing commencement, even if it were able to file that rebuttal as late as Friday 12 May (the last working day before the commencement of the hearing). Counsel suggested that any reduction in the extent of the accommodation provided to Mr Sugrue would assist.
6. The starting point for consideration of Mr Sugrue's application is that, as previously noted, the likely timeframes for this hearing have been signalled for several months in order to allow all parties (particularly those submitters intending to mount substantial cases in support of their submissions on the planning maps) ample forewarning of the periods within which they will need to devote resources, so as to ensure a fair procedure for all participants and to provide the Hearing Panel with the requisite information to enable it to consider and make recommendations on the submissions we will hear.
7. It follows, as we have also previously observed, that we would not lightly permit departures from that long foreshadowed hearing timetable.
8. That said, the events Mr Freeman has drawn to our attention obviously could not have been foreseen and it is now a matter of accommodating Ms Holden's accident as best we can.

9. The advice we have previously received from Mr Sugrue's representatives is that the case to be presented on his behalf will be supported by planning and landscape evidence. We note in this regard that Mr Sugrue's submission is supported by a relatively detailed section 32 analysis which appends both a landscape assessment and an infrastructure assessment.
10. We agree with counsel for the Council that there appears to be no reason why the evidence for Mr Sugrue other than on planning matters should be delayed beyond the existing deadline of 4 April.
11. As regards to the planning evidence, Mr Freeman's memorandum is unclear as to who will ultimately prepare (and present) that evidence, and therefore exactly how much time might be required for that work. We infer from his advice that he is unsure as to when she will be able to resume work, that he hopes but cannot be sure that Ms Holden will be able to do so. On the other hand, the section 32 analysis that has already been prepared will obviously be a good starting point for any experienced planner taking on the task.
12. One of the reasons why we directed that rebuttal evidence should be filed by 28 April is so that the Hearing Panel can have the benefit of reading that rebuttal evidence before site visits which are programmed for the week of 8 May. In a case such as this where it appears that the Council will likely contest the relief sought by the submitter, we are anxious to retain that benefit, if at all possible.
13. We have already granted leave for some rebuttal evidence to be filed on or before 1pm on 5 May as a result of an extension of time for some of the evidence of Glendhu Bay Trustees Limited and we think that that would be an appropriate starting point. Working back from 1pm on 5 May, to provide a reasonable period for Council staff to prepare their rebuttal evidence (given the absence of any further submissions it is only the Council we need be concerned about), we think that the planning evidence for Mr Sugrue would need to be in hand at latest, 1pm on 24 April.
14. Noting the point made by counsel for the Council, this is not to be seen as a precedent for multiple applications by those submitters for whom Southern Planning Group acts. Our readiness to accommodate the consequences of Ms Holden's accident is premised, among other things, on the amount of evidence to which the Council will have to prepare rebuttal evidence within a reduced timeframe remaining quite confined.

Directions

15. We will vary the evidence timetabling directions in our 25 January Minute to the effect that:

- The planning evidence for Mr Bernie Sugrue must be lodged on or before 1pm on 24 April 2017;
- The balance of the evidence for Mr Sugrue must be filed on or before 4 April as previously;
- Any rebuttal evidence on the planning evidence for Mr Sugrue must be lodged on or before 1pm on 5 May 2017.

For the Upper Clutha Mapping Hearing Panel

A handwritten signature in blue ink, appearing to read 'T. Robinson', with a large, stylized flourish extending upwards and to the left.

Trevor Robinson (Chair)

23 March 2017