

TO: DISTRICT PLAN REVIEW HEARINGS PANEL (Hearing Stream 12 Upper Clutha)

1. This memorandum is filed by Warwick Goldsmith, counsel for Allenby Farms Limited (Submitter #502) in response to the Memorandum on behalf of QLDC regarding Timetabling for Hearing Stream 12 dated 23 March 2017 (**Council Memorandum**). The purpose of this memorandum is to provide some comments which may assist the Panel in considering its response to the Council Memorandum.
2. Counsel acknowledges and agrees with Paragraph 3 of the Council Memorandum, while noting that counsel has not been in discussion with Council staff on the subject so the situation may be more significant than Council staff appreciate. Counsel understands the background to the request. However the request, if granted, may have some consequential implications which the Panel should be aware of.
3. Assuming Paragraph 3 of the Council Memorandum is correct, one consequence may be that the s.42a Report may, in those cases, be of little assistance to the Panel. The reality in those cases may be that the Rebuttal Evidence lodged for the Council may be significant because it addresses issues not anticipated by the Council.
4. This situation may have been anticipated by the Council experts. Counsel is involved in one case where a rezoning is proposed which may involve significant landscape considerations. The expert landscape evidence for the Council in that case, on which the s.42a Report recommendation is partially based, comprises one paragraph containing 10 lines. All the paragraph does is state a conclusion without providing any analysis or rationale for that conclusion. That may have the following implications:
 - a. It is difficult to see how that one paragraph could be of much assistance to the Panel;
 - b. The Council appears to be waiting to present almost its entire evidentiary case in the Council's rebuttal evidence;
 - c. a and b above may have significant consequences for the amount of rebuttal evidence which the Panel has to read.
5. The Timetable amendment requested will also have consequences in relation to legal submissions. The Panel has encouraged counsel for submitters not to present legal submissions at the last minute, so the Panel has sufficient time to pre-read them. However counsel would normally expect to understand both sides of a case when preparing legal submissions. A five day window is a short period of time to prepare legal submissions which respond to the Council's case, and to lodge those legal submissions in time for the Panel to pre-read them, when the Panel at the same time is having to pre-read all of Council's rebuttal evidence.

6. Counsel draws the Panel's attention to the above matters to assist the Panel to fully understand the implications of the Timetable amendment being requested by the Council.



Warwick Goldsmith
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