

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 TIMETABLE FOR FILING EVIDENCE

Introduction

1. In the Procedural Minute for Stage 2 we set out a timetable for report circulation and evidence lodgement. For Stream 14 this was as follows:

Section 42A Reports and other Council evidence provided to the Panel and Submitters	28 May 2018
Submitters' evidence to be lodged	11 June 2018
Rebuttal evidence lodged	27 June 2018

2. On 25 May 2018 we received a request from the Council to extend the time for lodging the planners' evidence to 30 May 2018. In a Minute dated 28 May 2018 I acceded to that request. In that Minute I suggested that I saw no reason to alter subsequent timetable requirements.
3. Since issuing that Minute, the Panel has received the following:
 - a) An email from a planning consultant complaining that reducing the time available for submitters' evidence effectively was unfair;
 - b) A Memorandum of Counsel¹ seeking an extension of time for all submitters to lodge their evidence by 5 pm on 14 June 2018; and
 - c) A Memorandum from counsel for the Council² seeking leave to file supplementary evidence with subsequent timetable amendments.

¹ Memorandum of Counsel Seeking Extension for Filing of Submitter Evidence, dated 29 May 2018

² Memorandum of Counsel for the Queenstown Lakes District Council Seeking Leave to File Supplementary Evidence of Marcus Langman and Bridget Gilberts's Evidence, dated 1 June 2018

General Discussion

4. Now that the Council evidence and Section 42A Reports have been circulated, it is apparent that there are some 1100 pages for submitters and their advisers to consider. While not all of it will be relevant to every submitter, it is, nonetheless, a not inconsiderable amount of information to be reviewed.
5. We also recognise that legal advisers and consultants act for several submitters and of necessity will need to consider the Council's evidence overall. In our view, those reasons alone justify an extension to Wednesday 13 June 2018 (being two additional working days).
6. That timing maintains a minimum of 9 working days between receipt of the Council evidence and the filing of submitters' evidence.
7. Mr Todd, in his Memorandum has sought an additional working day. Our concern is that the further we extend the time for lodgement of submitters' evidence, the more pressure there is to extend the time for lodgement of rebuttal evidence. As it is the Panel has 2 working days and a weekend to review rebuttal evidence received prior to commencing site visits on 2 July 2018. We consider it important that we have reviewed all evidence prior to the site visits.
8. For those reasons we will amend the time for receipt of all submitters' evidence (subject to the exceptions discussed below) by 4pm on Wednesday 13 June 2018 and, other than the exceptions discussed below, we will not alter the date for lodgement of rebuttal evidence (27 June 2018).

Council's Request to File Late Evidence

Spruce Grove Trust (2513), Boxer Hill Trust (2386) & Banco Trustees (2400)

9. Counsel advises that the submissions of these three submitters were inadvertently not evaluated by the Council witnesses. Having been advised of this by the submitters, additional evidence has been prepared. Counsel advised that this evidence had been served on the submitters at the same time the request for leave to file it late was lodged.
10. The evidence produced by the Council is relatively short and concise. It is appropriate that it be included in the material we consider to enable a full evaluation of the submissions.

11. Counsel has suggested an amended timetable for the lodgement of submitter and further submitter evidence in relation to these three submissions, and for the lodgement of rebuttal evidence.
12. We consider that the submitters are entitled to 9 working days for lodgement of their evidence, rather than the 7 proposed by counsel. We agree with counsel that the rebuttal evidence can be lodged on 29 June 2018.
13. Therefore, we direct that the evidence and rebuttal timetable in respect of Submissions 2386, 2400 and 2513 be as follows:

Submitters' evidence to be lodged	4pm, 15 June 2018
Rebuttal evidence lodged	4pm, 29 June 2018

14. This timetable also applies to further submissions supporting or opposing those three submissions, both in respect of primary evidence and rebuttal evidence.

Trojan Helmet Limited (2387)

15. Counsel for the Council has advised in her Memorandum that the Council's landscape expert had not been provided with the text of the Boffa Miskell Landscape Assessment which I allowed to be appended to Submission 2387 in a decision dated 13 April 2018. The Council have sought an amended evidence lodgement timetable to allow its landscape and planning experts to file amended evidence after reviewing the Boffa Miskell Landscape Assessment, and to allow adequate time for the submitter's landscape and planning experts to consider that amended evidence prior to lodging their own. A consequent flow on to the time rebuttal evidence lodgement is proposed. We have been advised that counsel has liaised with counsel for Trojan Helmet and they have agreed that adequate time should be made available to the Council's landscape expert to consider and respond to the Boffa Miskell Landscape Assessment.
16. Counsel has proposed that replacement planning and landscape evidence for the Council be filed by 4pm on Wednesday 6 June 2018. We agree that is reasonable.
17. Counsel has then proposed that the submitter's planning and landscape evidence be filed by 4pm on Monday 18 June 2018, but that all other evidence be filed in accordance with the existing timetable. This would also apply to further submitters supporting or opposing Submission 2387.

18. We agree that all primary evidence, other than planning and landscape evidence, from the submitter and any further submitters should be lodged in accordance with the standard timetable, which is now 4pm on Wednesday 13 June 2018. However, we wish to ensure that Trojan Helmet is not disadvantaged by the Council's error. Consequently, we consider that 9 working days should be provided for the lodgement of their planning and landscape evidence (and the planning and landscape evidence of any further submitters on Trojan Helmet's submission). Thus, it should be lodged by 4pm on Tuesday 19 June 2018.
19. Finally, counsel for the Council has proposed that all rebuttal evidence be lodged by 4pm on 4 July 2018. We do not understand why rebuttal evidence on topics such as transport, infrastructure or ecology should be delayed given that the substantive evidence on these (and any other topics other than planning and landscape) from the submitter is to be filed on 13 June 2018. We will only amend the timetable for rebuttal evidence in respect of planning and landscape evidence related to Submission 2387. We agree that 4pm on Wednesday 4 July 2018 is reasonable, notwithstanding the potential difficulties for the Panel in reviewing it prior to undertaking a site visit.
20. Therefore, we direct that the evidence and rebuttal timetable in respect of planning and landscape evidence in relation to Submission 2387 be as follows:

Council's replacement planning and landscape evidence to be circulated and lodged	4pm, 6 June 2018
Submitters' planning and landscape evidence to be lodged	4pm, 19 June 2018
Rebuttal planning and landscape evidence lodged	4pm, 4 July 2018

21. This timetable also applies to further submissions supporting or opposing Submission 2387, both in respect of primary and rebuttal planning and landscape evidence.
22. All other evidence in respect of Submission 2387, whether lodged by the submitter, further submitters or the Council, is to comply with the general timetable.

Summary and Directions

23. As a consequence of the conclusions reached above, we direct the evidence lodgement timetable for Stream 14 be amended such that it is as follows:

Submission 2387 only - Council's replacement planning and landscape evidence to be circulated and lodged	4pm, Wednesday 6 June 2018
All Submitter Evidence (except as specified below) lodged	4pm, Wednesday 13 June 2018
Submissions 2386, 2400 & 2513 only – Submitters' evidence lodged	4pm, Friday 15 June 2018
Submission 2387 only - Submitters' planning and landscape evidence to be lodged	4pm, Tuesday 19 June 2018
All Rebuttal Evidence (except as specified below) lodged	4pm, Wednesday 27 June 2018
Rebuttal Evidence in Respect of Submissions 2386, 2400 & 2513 only lodged	4pm, Friday 29 June 2018
Rebuttal Planning and Landscape Evidence Only in Respect of Submission 2387 lodged	4pm, 4 July 2018

24. We refer further submitters to paragraphs 28 and 29 of our Procedural Minute for Stage 2 Hearings for clarification as to how this timetable applies.

For the Hearing Panel



Denis Nugent

4 June 2018