

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Stage 3 of the
Queenstown Lakes
Proposed District Plan

MINUTE 17 – WAIVER OF EVIDENCE DEADLINE (3)

Introduction

1. In Minute 12, I directed that most submitters' evidence in chief be filed on or before 29 May.
2. In Minutes 15 and 16, I made a series of directions waiving late filing of submitters' evidence in chief in terms of that earlier direction, some on terms that the rebuttal deadline be extended as a result, and some not.
3. I now have three further applications to address as follows:

Malaghans Investments Limited

4. Mr Farrell is preparing planning evidence for this submitter (#31022). I addressed the timing for that evidence in Minute 16, directing that that evidence be filed on 5 June, with the timing of rebuttal evidence pushed out to 19 June. That Minute was issued on 3 June, and so the time available for completion of Mr Farrell's evidence was very tight. I effectively gave Mr Gardner-Hopkins leave to revert if there was good reason to extend that time. Mr Gardner-Hopkins has made further application explaining that Mr Farrell had a hearing commitment on 4 June, meaning that the very short window of time I had provided to him would be insufficient. Mr Gardner-Hopkins sought an extension to the next working day, that is to say 8 June.
5. I invited the comments of counsel for the Council, who has advised that the Council team can accommodate this further delay in receiving Mr Farrell's evidence.
6. In the circumstances I am prepared to grant the extension sought.

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7. When the evidence in chief for Spark Trading New Zealand Limited and Vodafone New Zealand Limited (#3032) was filed, it was accompanied by advice that one of their witnesses was ill and its filing would necessarily be delayed in consequence. The covering email expressed the hope that that might be possible by 2 June but, in the event, the evidence (from Stephen Holding) was filed on 4 June, accompanied by a request for waiver confirming that the reason for the delay was the illness of the witness.
8. In the circumstances, I grant the waiver sought with rebuttal on that evidence extended to 19 June to address any prejudice to the Council.

Council Rebuttal

9. I have received a memorandum from the Council seeking an extension of the rebuttal timeframe applying to its evidence in three respects. In the first case (Corbridge Estates Limited Partnership), Ms Mortiaux's memorandum explains that although (as noted in Minute 16), the evidence in chief for the submitter was received on 2 June due in turn to IT problems, there was an issue with the electronic document holding the planning evidence of Mr Scott Edgar and that it was a further day before the Council were able to open the document and commence work on rebuttal.
10. The Council seeks an extended rebuttal timeframe for its response to both Mr Edgar's evidence and the evidence of Mr Brett Giddens for Gibbston Valley Limited, which was similarly received late, on 2 June (and which was likewise the subject of a direction in my Minute 16). Ms Mortiaux's memorandum notes the volume of evidence filed on the Rural Visitor Zone that the reporting officer, Ms Emily Grace, will have to address in this regard as the primary reason for providing extra time.
11. Having granted the submitters an indulgence, I see no issue with providing the Council with extra time as a consequence. In Minutes 15 and 16, I noted the efficiency in avoiding a multiplicity of deadlines that the Council has to meet. I therefore grant the application to extend the Council's rebuttal deadline in this case to 19 June.
12. The third case in respect of which the Council seeks a direction relates to the submission of Universal Developments (Hawea) Limited. Here, the issue was entirely internal to the Council. Ms Mortiaux's memorandum notes that the

reporting planner (Ms Devlin) has identified a conflict of interest, necessitating her handing the matter over to another Council Planner. Mr Barr's has stepped into the breach, but is heavily committed to representing the Council at Environment Court mediations on the Proposed District Stage 2 appeals.

13. Ms Mortiaux advises Mr Barr's task has been made even more onerous in this case because of the additional detail the submitter's evidence provides regarding its requested relief
14. As Ms Mortiaux points out, in this case (and I observe, in the previous two instances), there will be no prejudice to the submitters in question because they will not be heard for several weeks after filing of the Council's rebuttal. She also makes clear that an order is only sought in respect of the Council's planning response to the submitters' evidence.
15. I can readily understand why Mr Barr might have been volunteered for this particular role, given his prior involvement in the Stream 12 hearings. Even without the additional element of Mr Barr's commitments to the Environment Court, I would have been prepared to allow additional time for him to consider the substantial volume of evidence that the submitter has produced. That factor just reinforces the point.
16. Accordingly, I will direct that the time for Mr Barr's rebuttal evidence in respect of this submission likewise be extended to 19 June.

Directions

17. For the reasons set out above, I direct:
 - (a) Late receipt of the evidence of Mr Stephen Holding for Spark Trading New Zealand Limited and Vodafone New Zealand Limited (#3032) is waived;
 - (b) The evidence of Mr Ben Farrell for Malaghans Investments Limited (#31022) may be filed on or before 1pm on 8 June;
 - (c) Rebuttal evidence in respect of (a) and (b) above may be filed on or before 1pm on 19 June;
 - (d) The Council's planning evidence rebutting the evidence for Corbridge Estates Limited Partnership (#31021), Gibbston Valley Station Limited (#31037) and Universal Developments (Hawea) Limited (#3248) may be filed on or before 1pm on 19 June.

18. Previous directions on these matters should be treated as amended accordingly.

Dated 5 June 2020

A handwritten signature in blue ink, consisting of a large, stylized 'T' followed by a series of horizontal strokes.

**Trevor Robinson
Chair
Stage 3 Hearing Panel**