

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Stage 3 of the
Queenstown Lakes
Proposed District Plan

MINUTE 34 – POST HEARING WRAP-UP

Introduction

1. With the hearing of submissions substantially completed and the hearing adjourned on 14 August, it is appropriate that I set out the position going forward for the information of all parties. There are also one or two procedural loose ends to address.

Residual Procedural Issues

2. There are two matters that I should formally address. Shortly after completion of the hearing, counsel for Upper Clutha Transport Limited (#3256), Mr Christensen, applied for leave to submit supplementary evidence from his planning witness, Mr Edgar, attaching in turn revised plan provisions and an amended structure plan to crystallise the submitter's final position. This further material is helpful and was filed promptly after the submitter's appearance. I accept it on the basis that having it on paper will assist focussing of the Council's reply on the remaining matters in contention.
3. Secondly, following its appearance on Stream 17 and 18 matters, counsel for Aurora Energy Limited (#3153), Mr Peirce filed a synopsis of the verbal submissions he had presented. Mr Peirce's synopsis includes commentary on a legal issue that I had raised with him regarding the lawfulness of the planning mechanism Aurora had suggested. While not invited, the further legal commentary is relatively brief, and helpful in crystallising the issues that we will need to address and, on that basis, I accept it.

Timetabling Matters

4. My previous directions meant that the Hearing Panel is awaiting feedback from the parties as follows:
 - (a) In Minute 32, I provided the opportunity for parties to respond to the legal argument of Mr Nolan QC for Scope Resources Limited (#3470) on the ability of the Panel to recommend rezoning of land zoned as part of an earlier stage of the Proposed District Plan process, such feedback to be in hand by 21 August 2020;
 - (b) In Minute 32, I provided written questions for Mr Ben Farrell, the planning witness for Wayfare Group Limited (#3343) and Cardrona Alpine Resort Limited (#31018), with a request that Mr Farrell supply written answers by 21 August.
5. When he appeared on 14 August, Mr Nolan QC requested the opportunity to reply to any submissions filed under the leave reserved, as above. I did not grant that application. Rather, I said I would consider the matters raised in any submissions received and determine at that time whether the Panel would benefit from having further input from Mr Nolan.
6. In addition, also related to the Scope Resources Limited case, Dr Rissman was unable to give evidence for the further submitter due to an unexpected illness. I have given leave for Dr Rissman to file a summary of his evidence by 21 August. Depending on the contents of that summary, the Hearing Panel may have questions for Dr Rissman. If so, we will supply them in writing with a specified time limit for written answers.
7. Following completion of the above steps, the next step will be receipt of the Council's written reply. At the conclusion of the presentation of the Council's case on 3 July, I gave a verbal direction that the Council file its written reply on or before Monday 7 September. Once filed, the Council's reply will be loaded on the hearing website for the information of parties only (there is no opportunity for submitters to provide further input).
8. As the Hearing Panel collectively reviews the large volume of material received, it may be that we will identify issues on which we request specific assistance from the Council, as part of its reply. I will address such matters in a separate Minute.

9. To assist the preparation of the Panel's recommendations, Council is requested to supply with its reply Word versions of the Plan provisions in issue in Stage 3 as follows:
 - (a) The Plan provisions as notified;
 - (b) The final version recommended by Council of the relevant Plan provisions, with any coloured or other highlighting and/or marginal comments removed.
10. One submission remains outstanding, that of Wayfare Group Limited (#31024) in relation to the Rural Visitor Zone at Walter Peak (refer Minute 14). I have asked counsel for the Council to arrange a telephone conference with counsel for Wayfare Group Limited, Ms Baker-Galloway, in order that I might discuss with counsel what arrangements should be put in place for hearing of that submission.
11. The only other step in the process I am aware of is for the Hearing Panel to prepare its recommendations to the Council.
12. The Council has requested that we provide recommendations in relation to the variations to Chapter 30 in advance of our recommendations on the balance of Stage 3 issues, in order to facilitate the District's recovery from covid-related disruptions. This particular element of Stage 3 is relatively discrete and has not proven highly contentious, lending itself to separate treatment. In addition, I have been advised that the Council has no matters which it wishes to address in reply. As a result, we do not need to await the Council's reply before commencing preparation of our recommendations on it.
13. The Hearing Panel will endeavour to release its recommendations on Chapter 30 as soon as practicable. Reflecting the volume of material for us to consider on other matters, however, the Hearing Panel's target for delivery of its recommendations to Council for the balance of Stage 3 is the Christmas break. For the reasons set out above, I do not currently know if, by then, it will be possible to make recommendations on the Wayfare Group Limited Walter Peak Rural Visitor Zone submission. If not, a separate report on that specific issue will follow as soon as practicable thereafter.
14. If any party considers that I need to address a procedural issue not covered above, please contact the Hearing Administrator with details thereof.
15. It remains only for me to thank all participants in the hearing for their contribution. All parties may be assured that the Hearing Panel will be giving careful consideration to all of the inputs that have been received.

Dated 18 August 2020

A handwritten signature in blue ink, consisting of a large, stylized initial 'T' followed by a series of connected loops and a horizontal line at the end.

**Trevor Robinson
Chair
Stage 3 Hearing Panel**