

**IN THE MATTER**

of the Resource  
Management Act 1991

**AND**

**IN THE MATTER**

of Stage 3 of the  
Queenstown Lakes  
Proposed District Plan

## **MINUTE 15 – WAIVER OF EVIDENCE DEADLINE**

### **Introduction**

1. In Minute 12, I directed that most submitters' evidence in chief be filed on or before 29 May. I have received the following requests for waiver of that direction:
  - (i) Cardrona Cattle Company Limited (Submitter #3349).
  - (ii) Scope Resources Limited (Further Submitter # 3470).
  - (iii) Barnhill Corporate Trustee Ltd, DE and ME Bunn and LA Green (Submitter #31035).
  - (iv) Ministry of Education (Submitter 3152).
  - (v) Koia Architects Queenstown Limited, Koia Investments Queenstown Limited and Rakau Queenstown Limited (Submitter #31004)
2. I approach these applications on the same basis as previous timetable requests (see e.g. Minute 12).

### **Cardrona Cattle Company Limited**

3. Ms Steven QC applies on behalf of submitter #3349 ("CCCL") to extend the evidence deadline one week (to 5 June) with a corresponding extension to the rebuttal deadline. CCCL seeks rezoning of its land in the Gibbston Valley to GIZ, along with changes to the zone provisions that would then apply to the site.
4. Ms Steven QC advises that the delay is prompted by a Covid-19 related delay to supply of information in response to a LGOIMA request which the submitter anticipates will provide key information relevant to its submission.

5. The records supplied to me by Council indicate that there are two further submitters on the CCCL submission whose interests I need to consider: Rock Supplies NZ Limited<sup>1</sup> and Scope Resources Limited<sup>2</sup>. I also need to consider the position of the Council, given that it also has the right to file rebuttal evidence in response to the evidence of CCCL.
6. Ms Steven seeks a relatively modest extension of time – given the Public Holiday on 1 June, 4 working days (to 5 June) - and volunteers agreement to a corresponding extension in the rebuttal deadline. Given the explanation in her memorandum, I accept that the extension sought is reasonable so long as the resulting prejudice to the two further submitters and the Council can be addressed.
7. Subject to the issue Scope Resources Ltd has raised (addressed following), I accept that prejudice can be addressed by extending their rebuttal period correspondingly.

#### **Scope Resources Limited**

8. Ms Macdonald applies on behalf of Scope Resources Ltd seeking a parallel extension to that sought on behalf of CCCL on behalf of her client and Rock Supplies NZ Limited. The grounds of Ms Macdonald's application are that, in summary, that while not opposing in principle, the extension of time sought by CCCL, granting that extension without a parallel extension to further submitters would give the former an unfair advantage. This is because it would be able to reply to the further submitters both in its evidence in chief, and by way of rebuttal. As Ms Macdonald puts it, CCCL would have "*two bites at the cherry*".
9. I consider that Ms Macdonald makes a fair point. I have determined, as above, that it would be reasonable to grant CCCL an extension of time. That extension potentially gives CCCL a strategic advantage even if the timing for Scope Resources rebuttal is extended. I hesitate to describe that advantage as prejudicing Scope Resources. However, I consider that if I am to grant CCCL an indulgence, I should endeavour to preserve a level playing field in this respect.
10. As I have noted, Ms Macdonald applies for directions in respect of both further submitters. Rock Supplies NZ Limited has not made an application of its own and I do not know if its counsel shares Ms Macdonald's concern.

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<sup>1</sup> #3412

<sup>2</sup> #3470

11. I note, however, that Ms Baker-Galloway was copied in on Ms Macdonald's application and has made no comment. I also observe that Rock Supplies NZ Ltd made an identical further submission on the The Station at Waitiri Ltd submission (submission #3357) that also seeks rezoning of its property to GIZ, and is located in close proximity to the CCCL property. Evidence in chief on that further submission is due today, irrespective of any direction I give in relation to Ms Macdonald's application.
12. In the circumstances, I will not make a direction in respect of Rock Supplies NZ Ltd at this time. If Ms Baker-Galloway was assuming she could piggy-back on Ms Macdonald's application, she can make a separate application.

### **Barnhill Corporate Trustee Limited et al**

13. Ms Robb applies for an extension on behalf of Barnhill Corporate Trustee Limited, DE and ME Bunn and LA Green (Submitter #31035). Her memorandum explains that for reasons associated with Covid-19, the submitter has reassessed its approach to Stage 3, delaying its preparation of evidence. Ms Robb indicates that the submitter intends to file two briefs of lay evidence from members of the Bunn family, which will append and rely on landscape evidence presented in earlier stages of the PDP process. Ms Robb notes that there are no further submissions and accordingly, the only potential prejudice is to the Council. She seeks until 3 June for the submitters evidence and accepts that the rebuttal deadline might be extended correspondingly.
14. As I noted in my Minute 14, I am sure that Covid-19 has had a profound effect on a number of submitters we will hear from. I have no difficulty accepting that to the extent that we can, we should accommodate submitters affected in the manner that Ms Robb describes.
15. I am therefore minded to grant Ms Robb's application. However, rather than create a situation where the Council has multiple deadlines for its rebuttal evidence, I will extend the Council's deadline for rebuttal of this submitter's evidence until 1pm on 19 June, to align with that applying in relation to the CCCL and Scope Resources Limited evidence.

### **Ministry of Education**

16. The Ministry of Education (Submitter #3152) has sought an extension of time for provision of its planning evidence on the GIZ until 3 June in order that the Ministry can obtain further legal advice on the subject. While somewhat surprising that a

well-resourced Government Department would need more time, the extension requested is modest and I am prepared to grant it in the circumstances. The application does not address potential prejudice to other parties. It appears that the Ministry's submissions on GIZ provisions are the subject of further submissions from QAC (Further Submitter #3436) opposing the submission, and Public Health South (Further Submitter #3427) supporting it. I also need to consider the position of the Council.

17. While a corresponding extension to the rebuttal deadline (two working days) would address the potential prejudice to the further submitters, for similar reasons as above, it will be more administratively efficient, particularly for the Council, if there is a common rebuttal deadline of 19 June.
18. Before leaving the Ministry of Education's application, I note that with its application, representatives of the Ministry advise that it is proposed to table letters at the hearings on the Three Parks Commercial, Settlement and Rural Visitor Zones in addition to making a video conference appearance on the GIZ. Given that the Ministry will be appearing (virtually) and the Commissioners hearing submissions on those other zones are also hearing the submissions on GIZ matters, the Ministry's evidence should include whatever it wishes to say on those other zones in order that the Panel can utilise the opportunity to pose any questions arising in relation to those matters at the same time.
19. I have therefore included the Ministry's Submission #31025 in the directions made below.

**Koia Architects Queenstown Limited et al**

20. Mr Happs applies on behalf of Koia Architects Queenstown Limited, Koia Investments Queenstown Limited and Rakau Queenstown Limited (Submitter #31004) for an extension until 3 June. Mr Happs explains that the delay it required to accommodate Mr Koia who has been unable to visit Queenstown to undertake a site assessment.
21. The submission is the subject of one further submission in support (that of Robert Stewart), further submitter #31051.
22. Again, the extension sought is modest, and I consider it can be accommodated. For the same reasons as above, however, I will direct that rebuttal evidence on the submitters' evidence be extended to 19 June.

## Directions

23. I direct that the timetabling directions in Minute 12 be varied as follows:
- (i) Cardrona Cattle Company Limited (Submitter #3349) can file its evidence in chief on or before 1pm on 5 June;
  - (ii) Scope Resources Limited (Further Submitter #3470) can file its evidence in chief responding to Scope Resources Limited's submission on or before 1pm on 5 June;
  - (iii) Barnhill Corporate Trustee Limited, DE and ME Bunn and LA Green (Submitter #31035) can file its evidence in chief on or before 1pm on 3 June;
  - (iv) Ministry of Education (Submitter #3152 and #31025) can file its evidence in chief on or before 1pm on 3 June;
  - (v) Koia Architects Queenstown Limited, Koia Investments Queenstown Limited and Rakau Queenstown Limited (Submitter #31004) can file its evidence in chief on or before 1pm on 3 June;
  - (vi) Any rebuttal evidence in respect of the evidence in chief referred to in (i) - (v) inclusive above may be filed on or before 1pm on 19 June.

**Dated 29 May 2020**



**Trevor Robinson  
Chair  
Stage 3 Hearing Panel**