

QUEENSTOWN LAKES DISTRICT COUNCIL

Private Plan Change 52 Mount Cardrona Station

Second Minute and Directions of Hearing Commissioners

1. The Queenstown Lakes District Council (the Council) has appointed Independent Hearing Commissioners Jan Caunter and Rachel Dimery and Councillor Ross McRobie to hear and determine an application for a private plan change by Mount Cardrona Station.
2. The hearing is scheduled to be held on 11 and 12 July 2017 in Wanaka. A site visit has been scheduled for the afternoon of Monday 10 July 2017.
3. The Commission received the Requestor's evidence on 27 June, accompanied by a Memorandum from Warwick Goldsmith, counsel for the Requestor, dated 26 June 2017. Two brief statements of evidence were lodged from Ben Espie on landscape and Jeff Brown on planning.
4. Mr Goldsmith's Memorandum raised a number of matters, including the limited amount of evidence that has been lodged by the Requestor and the availability of various witnesses to attend the hearing. Five of the 12 possible witnesses for the Requestor are either away overseas or plan to be on leave during the hearing dates. We summarise the witness availability as follows:
 - (a) Greg Turner – golf course destination and marketing asset – overseas in Europe.
 - (b) Fraser Colgrave – economist - overseas during the hearing.
 - (c) Ian Munro – urban design - need to travel from out of the district to attend the hearing.
 - (d) Chris Rosenbrock – cultural values – need to travel from out of the district to attend the hearing.
 - (e) Neill Simpson – ecologist – overseas until 24 July. Contactable by email and possibly cellphone.
 - (f) Ben Espie – landscape – currently plans to be away on holiday during the week of the hearing and would prefer to not have to cut that holiday short. Mr Espie has been under considerable pressure during the district plan review hearings to date.
 - (g) Angela Middleton – heritage – overseas 30 June to 18 July. Could be available to answer questions by telephone.
 - (h) Chris Rossiter – traffic - need to travel from out of the district to attend the hearing.
 - (i) Geosolve (no witness mentioned) – geotechnical hazards – could attend if required.
 - (j) Glenn Davis – site contamination – could attend the hearing if required.
 - (k) Servicing – local representative of firm who prepared this assessment (unnamed in the Memorandum) - could attend the hearing.
 - (l) Jeff Brown – planner – will attend the hearing.
5. Mr Goldsmith sought directions in relation to each witness, as follows:
 - a. Whether the Panel requires that witness to be present at the hearing;

- b. If not required to attend the hearing, whether that witness is required to make arrangements to answer questions by telephone.
6. Mr Goldsmith has referred the Commission to the submissions lodged in response to the application and the section 42A report prepared for the Council by Mr Nigel Bryce. He appears to suggest that the extent of agreement between the Requestor and Mr Bryce on the assessment of the plan change means there is no need for the Requestor to present extensive evidence, instead referring the Commission to the reports contained in the Private Plan Change request.
 7. When hearing dates were being discussed in late May and early June 2017, the Council raised with the Requestor its availability for a hearing in July. The Requestor was advised that the section 42A report would be available by 16 June 2017. For the Requestor, Mr Morton confirmed to the Council by way of email dated 1 June 2017 that his team were available for a hearing in the week of 10 July 2017.
 8. We note that the Chair of the Hearing Panel had specifically requested the Council to contact the parties about hearing dates to be sure there were no clashes for counsel or witnesses with the forthcoming lengthy district plan review hearing scheduled to commence on 24 July 2017 in Queenstown. We are very aware of the pressure of those hearings on the availability of counsel and witnesses, not only in hearing attendance, but hearing preparation. We were also conscious of the period of time available for the preparation of evidence following the issue of the section 42A report (10 days) for Plan Change 52. We were advised by the Council that the hearing dates of 11 and 12 July were agreed and that the Requestor wanted to have the hearing as soon as possible.
 9. A Minute was duly issued on 7 June 2017 confirming the directions for the issue of the section 42A report and the lodgement date for all evidence.
 10. We are therefore extremely surprised at the lack of availability of key witnesses for the Requestor. The fact that the Requestor and the Council's reporting planner may have little in contention between them does not affect or excuse our own statutory responsibilities to fully assess the application and to make a recommendation on it. As the reporting planner, Mr Bryce is charged with making a recommendation to us, with which we may or may not agree. We must then make a recommendation to the Council on the application.
 11. Ultimately, it is the Requestor's choice as to which witnesses it decides should present evidence. We agree with Mr Goldsmith that "In the normal course of events, one would expect all authors of reports which form part of the PPC Request to be present at the hearing, even if they do not present additional evidence, in order to answer any questions which the Panel may ask."¹ We do not consider the number of witnesses in this case to be unusually high for an application of this nature. It is up to the Requestor to organise witness availability for any hearing agreed to.
 12. We were expecting to receive evidence in support of the application, particularly from an economist, given the statutory assessment we are required to undertake. It was our understanding from the earlier discussions about hearing dates, referred to above, that the Requestor's witnesses would be available to attend the hearing for questioning. While some

¹ Mr Goldsmith's Memorandum dated 26 June 2017 paragraph 5

witnesses are from out of the district, that does not in the normal course of events mean they should not attend the hearing for questioning. Hearings of this nature often give rise to a number of questions from the Hearing Panel that require expert input across a number of disciplines. It is also helpful to the Hearing Panel to receive a short summary of any assessment or evidence tabled in support of the application, so that key points can be highlighted.

13. We can indicate at this early stage of our preparation for the hearing that we are likely to have questions for several key witnesses, including Mr Espie and Mr Colgrave. At this time we are not able to advise with any more precision which witnesses we wish to question, other than to say we think it unlikely that Mr Turner will be required for questioning.
14. Given the absence of some key witnesses, we consider the hearing should be rescheduled.
15. We **direct** that the hearing dates of 11 and 12 July be abandoned and a new hearing date set. We request the Council to confer with the parties as to their availability for a hearing at a later date. Given the anticipated commitments of many witnesses and counsel to the forthcoming district plan review hearing commencing on 24 July, and the Commission's own commitments, it may be that a hearing cannot be scheduled until October 2017. The Commission will endeavour to undertake its site visit well ahead of the hearing to assist in the scheduling of a new hearing date.
16. All other matters raised in Mr Goldsmith's Memorandum will be addressed at the commencement of the hearing.
17. Any enquiries regarding these Directions or related matters should be directed to Julia Chambers at Queenstown Lakes District Council: Julia.Chambers@qldc.govt.nz.

Jan Caunter (Chair)

For the Hearing Commissioners

28 June 2017