

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of the Queenstown Lakes
Proposed District Plan

MEMORANDUM GRANTING LEAVE FOR SUBMITTERS TO BE HEARD
AND TO FILE EVIDENCE LATE

Introduction

1. On 28 April 2016 the Council received an application from Mr N Geddes seeking leave to be heard and to file evidence late on behalf of the following submitters:
 - a) A Hutchinson (#228);
 - b) D Gallagher (#233);
 - c) G Sim (#235);
 - d) N T McDonald Family Trust (#411);
 - e) Clark Fortune McDonald & Associates Ltd (#414).
2. In his Memorandum Mr Geddes noted that he received the Notice of Hearing for the Rural Chapters Hearing Stream on 7 April last. Mr Geddes indicated that he had misunderstood email communication he had with the Council's Communications Manager on 15 April that led him to believe that an additional notice would be received. Although not explicit in the Memorandum, we presume that to be the reason Mr Geddes failed to complete the online form seeking a hearing time prior to 4pm on 18 April 2016.
3. Notwithstanding the failure to seek a hearing time, Mr Geddes lodged evidence, albeit a day late. In his Memorandum he advised that he had failed to account for Anzac Day when calculating the last day for lodgement.
4. Mr Geddes has sought 40 minutes to be heard, at the beginning or end of the day on Wednesday 18 May next.

Discussion

5. We do not understand how Mr Geddes can have been confused as to the Notice of Hearing. The Notice clearly states the matters to be heard, the date the hearing

would commence, and sets out a table listing the hearing days and proposed venues. Immediately after that table and a paragraph noting that additional dates would be added if required, the notice states:

In order to enable the District Plan Administrator to prepare an indicative hearing schedule, submitters are requested to complete the online form at <http://fluidsurveys.com/surveys/qldc/hearing-for-chapters-21-22-23-33-34/> to select a preferred hearing time slot and location before 4pm, Monday 18 April 2016.

6. In addition, three lines below that paragraph, the Notice states that persons seeking hearing times longer than 10 minutes should lodge requests via the online form referred to in the quoted paragraph by 4pm on 18 April 2016. The following paragraph also noted that pre-lodged evidence was to be lodged by 12 noon on Thursday 21 April 2016.
7. Thus all the information Mr Geddes needed to assist him in obtaining an appropriate hearing time for his clients, and the time and date by which evidence was to be lodged, was contained within the Notice of Hearing.
8. Notwithstanding Mr Geddes' failings, we consider it would be unfair to his clients to refuse them the opportunity for their respective cases to be heard. It is fortunate the date Mr Geddes seeks to be heard has sufficient time for him to be heard. It is also fortunate that there remains sufficient time before 18 May for the Panel to read Mr Geddes' evidence. If those two circumstances had been different, the Panel may have been less able to accommodate Mr Geddes.

Decision

9. Leave is granted to the submitters listed in paragraph 1 to be heard and for their evidence to be received late, being Friday 22 April 2016. The District Plan Administrator is to allocate 40 minutes hearing time on 18 May 2016 for Mr Geddes to be heard. Our preference is at the end of the day immediately following the last submitter presently timetabled. That may be a little earlier than 4pm as requested by Mr Geddes.

For the Hearing Panel



Denis Nugent (Chair)

29 April 2016