

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes
Proposed District Plan

AND

IN THE MATTER of Hearing Stream 12-
Upper Clutha Mapping

**MINUTE CONCERNING APPLICATION FOR FURTHER VARIATION OF
STREAM 12 HEARING DIRECTIONS BY QLDC**

Background

1. In our Minute of 6 March 2017, we discussed the provision of an update by Council of outputs from its Dwelling Capacity Model (DCM) and directed that that material be lodged by 1pm on 28 April 2017, with provision for any submitter being heard as part of the Upper Clutha Mapping hearing to file rebuttal evidence on the additional model outputs and/or Council witness thereon by 1pm on 8 May 2017.
2. Counsel for QLDC now seeks an enlargement of this timeframe to permit lodgement of the statement of evidence of Phillip Osborne on dwelling capacity and a supplementary statement by Mr Barr by 1pm on 1 May.
3. Counsel explains that the amount of work required to complete the model updates and planning commentary thereon has been greater than expected. Public holidays before Easter and Anzac Day have not assisted.
4. As discussed in our 6 March Memorandum, the material being produced by Council is likely to be of assistance to us, particularly given the need for us to consider and give effect to the National Policy Statement on Urban Development Capacity. We agree with Counsel

for the Council's suggestion that because of the importance of this work it is desirable that it be both as complete and as robust as possible.

5. The extension sought is modest but, obviously, we need to be concerned about the possible prejudice to other parties.
6. Ms Scott suggests that given the Council has sought an extension of one working day, a parallel extension might be made to the direction we have made permitting rebuttal to be filed by 1pm on 8 May, so that it might now be filed by 1pm on 9 May.
7. Given that the period for rebuttal was already nine calendar days, we think that a one working day extension should be sufficient and will make directions accordingly.

Council Rebuttal

8. One issue has arisen in relation to implementation of our previous directions on lodgement of evidence. Further Submitter 1038 (7 Albert Town property owners) lodged a brief of planning evidence on the date fixed for circulation of rebuttal evidence. Having reviewed that evidence, it is apparent that the witness (Mr Grant) is addressing the evidence lodged by the Council as part of its Section 42A report. Having reviewed our hearing directions, we have concluded that while our intention was that the evidence lodged on 4 April (whether by submitters or further submitters) should address the Council case, we did not explicitly state that further submitters opposing the evidential position advanced by Council needed to lodge their evidence at that time.
9. The end result is, however, that we will likely not have the benefit of the Council's written response to the matters raised by Mr Grant before the hearing, given the number and nature of other matters that have to be covered in the Council's rebuttal evidence, required to be circulated on 5 May. While we could request Council to address Mr Grant's evidence in further rebuttal evidence some time in the following week, we would prefer to avoid evidence being filed on the eve of the hearing commencing.
10. Our request of the Council is, therefore, that to the extent its witnesses and counsel are able, we would be grateful if they could make what verbal comment they can at the point when they appear before us on the matters raised in Mr Grant's evidence and that to the extent that this is not possible, they provide further commentary in the written reply on behalf of Council submitted following the conclusion of the hearing.
11. We do not consider further directions are required at this point on these matters.

Directions

12. Accordingly, we will vary our directions made on 6 May 2017 to the effect that the Council may produce updated outputs from its dwelling capacity model, together with related evidential commentary thereon by 1pm on 1 May 2017 and that any submitter being heard as part of the Upper Clutha Mapping Hearing may file rebuttal evidence on the additional model outputs and/or Council witness commentary thereon by 1pm on 9 May 2017.

For the Upper Clutha Mapping Hearing Panel

A handwritten signature in blue ink, consisting of a large, stylized 'T' shape with a horizontal line extending to the right and a vertical line extending downwards.

Trevor Robinson (Chair)

1 May 2017