

IN THE MATTER of the Resource  
Management Act 1991

AND

IN THE MATTER of the Proposed  
Queenstown Lakes District  
Plan

AND

IN THE MATTER of Late Submissions and  
Further Submissions

### **DECISION OF COMMISSIONER DENIS NUGENT**

#### **Introduction**

1. I have been appointed Chair of the Hearings Panel by the Queenstown Lakes District Council to hear submissions and further submissions on the Proposed District Plan (PDP). I have also been delegated the Council's powers under s.39B of the Act in relation to procedural matters in relation to those hearings, including the Council's powers under s.37 to waive or extend time limits in respect of the lodgement of submissions and further submissions, or waive omissions and inaccuracies.
2. The PDP was publicly notified on 26 August 2015 and the period for lodging submissions closed on 23 October 2015. The summary of submissions was notified on 2 December 2015 and the period for lodging further submissions closed on 18 December 2015.

#### **Powers in Relation to Inaccurate or Omitted Information**

3. Section 37(2) provides as follows:

*If a person is required to provide information under this Act, regulations, or a plan and the information is inaccurate or omitted, or a procedural requirement is omitted, the consent authority or local authority may –*

- a) *wave compliance with the requirement; or*
- b) *direct that the omission or inaccuracy be rectified on such terms as the consent authority or local authority thinks fit.*

### **Further Submission 1282 by Longview Environmental Trust**

4. This further submission was lodged in time and in general complies with the requirements of the Act and Form 6 under the Resource Management (Forms, Fees, and Procedure) Regulations 2003. However, it is deficient in that it does not identify the submissions it is opposed to with sufficient particularity. Instead, it states:

*The Trust opposes the submission of:*

- *Various – being submissions on Chapters 3, 6 and 21 of the Proposed District Plan which oppose the Objectives, Policies and Assessment Matters of the Proposed District Plan as they relate to Outstanding Natural Landscapes and Outstanding Natural Features.*

*The particular parts of the submission the Trust opposes are:*

- *Those parts of the submissions that seek to amend or delete Objectives, Policies and/or Assessment Matters relating to Outstanding Natural Landscapes and Outstanding Natural Features.*

5. It is also unclear whether the further submitter has complied with the requirements of Clause 8A of the First Schedule to the Act by serving a copy of this further submission on those persons who made the original submissions opposed.
6. Noting that the Act has a focus on public participation and the involvement of the community in framing the provisions of a district plan, I consider the opportunity should be given to the Longview Environmental Trust to correct the omissions in the further submission by particularising the submissions to which it relates and providing evidence of service of copies of the further submission on the relevant submitters.
7. The matters the further submissions relate to are in large part to be heard in the hearing stream commencing on 7 March 2016. Thus there is some urgency in these further particulars being provided if submitters and the Council's reporting officers are not to be disadvantaged. I consider five (5) working days is adequate time for the further submitter to correct this omission.

**Decision**

8. If the further submission lodged by Longview Environmental Trust is to be treated as a valid further submission, the Trust is to lodge the following with the Council by 4 pm on Tuesday 9 February 2016:
- a) A list of the submission numbers and name of the submitter for each of the submissions opposed;
  - b) Evidence that a copy of the further submission has been served on each of the relevant submitters.

Dated 1 February 2016



Denis Nugent  
Hearing Panel Chair