

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 Leave Sought to File Late
Further Submissions

DECISION ON REQUEST BY QUEENSTOWN AIRPORT CORPORATION
LIMITED TO FILE LATE FURTHER SUBMISSIONS

1. On 7 March 2016 the Hearings Administrator received a request from counsel for Queenstown Airport Corporation Limited (QAC) to file late further submissions. Counsel submitted that these related to Chapter 30 in the Proposed District Plan (PDP) and, as the hearings on the provisions in that Chapter were not due to be heard until later in the year, there would be no prejudice to any party arising from the late filing. No explanation was provided as to why the further submissions were not filed within the period for filing further submissions, which ended on 18 December 2015.
2. I have been delegated the Council's powers under s.39B of the Act to make decisions on such procedural matters as waiving the time for lodgement of further submissions. Section 37 provides that the Council may waive time limits, subject to the requirements of s.37A. Section 37A requires that I take into account:
 - a) The interests of any person who, in my opinion, may be directly affected by the extension or waiver;
 - b) The interests of the community in achieving adequate assessment of the effects of the proposed district plan;
 - c) The Council's duty under s.21 to avoid unreasonable delay.
3. Section 37A(2) suggests that the maximum period that a time limit may be extended is double the required period. This does not appear to be as definitive for plan submission procedures as it is for resource consent or notice of requirement proceedings.

4. The Council provided a slightly longer (by two days) period for the receipt of further submissions than the statutory requirement. On 2 February 2016 I issued a decision dealing with several submissions and further submissions which had been received late. Of these, the latest was 14 working days late. In that instance, the interests of the further submitter were directly at issue in the submission which was opposed. In that instance I waived the time for lodgement.
5. The further submissions sought to be lodged by QAC are some 39 working days late. In addition, notwithstanding what is set out in the Memorandum of Counsel, QAC seek to file a further submission opposing a submission in respect of Chapter 17, in addition to the 25 in support of submissions in respect of Chapter 30.
6. In amending Clause 7 of the First Schedule to the Act in 2009, Parliament set a shortened period of 10 working days for the lodgement of further submissions. While s.37 provides the power to waive that time period, the duties under s.21 of the Act that I am required to consider, suggest that any waiver should be based on a further submitter acting as promptly as is reasonable in the circumstances.
7. I do not consider seeking to lodge further submissions after a period that is four times the statutory period for lodging submissions is consistent with s.21 nor consistent with achieving an efficient process which Parliament was seeking to achieve by reducing the period for lodging further submissions.
8. It is not apparent from the material lodged on behalf of QAC that any exceptional reasons or circumstances exist that would mitigate in favour of waiving the time limit. Nor is it apparent that granting the waiver would allow better assessment of the effects of the relevant provisions.
9. For those reasons I refuse to waive the time limit for the lodgement of further submissions by QAC.



Denis Nugent
Hearing Panel Chair
12 March 2016