

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 DATED 22 MARCH 2016**

1. On 23 March 2016 the Hearings Administrator received a second application¹ to file late further submissions from Queenstown Airport Corporation Limited (“QAC”). The application explained that, in preparing the further submissions for QAC, the company’s adviser had not realised the potential relationship between the provisions of Chapter 30, relating to utilities and renewable energy, and Chapter 17 Airport Mixed Use. The application was accompanied by an affidavit of Ms O’Sullivan, who had prepared QAC’s further submissions, explaining how this had been overlooked. In addition, the application advised that QAC had sought and obtained approval for the late filing of the further submissions from each of the relevant original submitters.
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

¹ An application lodged on 7 March 2016 was refused in a decision dated 12 March 2016.

for plan submission procedures as it is for resource consent or notice of requirement proceedings. Mr Leckie, counsel for QAC, submitted that this subsection only related to extensions of time under s.37(1)(a), whereas QAC was seeking a waiver of time under s.37(1)(b).

4. Mr Leckie's memorandum set out the reasons he considered QAC's application satisfied the applicable tests of s.37A. Of relevance are:
 - a) All original submitters have approved the late lodgement;
 - b) Of the five original submissions QAC is seeking to lodge further submissions on, four are in support;
 - c) The relevant submissions are unlikely to be heard for some months.
5. While I accept that Ms O'Sullivan made a genuine error, I do note that the text of section 17.3.3 of the District Plan makes it clear that Chapter 30 was relevant to activities in Chapter 17.
6. I also consider it relevant that, while the original submissions do not seek to directly affect the interests of QAC, there exists the potential for decisions on those decisions to directly affect QAC's interests through the general applicability of District Plan provisions.
7. When considered in the light of those reasons, the process of the District Plan development through the hearing process is better served by granting the waiver sought, which will give QAC the right to be heard on these matters related to utilities.
8. Accordingly, pursuant to sections 37 and 37A, I waive the time for Queenstown Airport Corporation Limited to lodge and serve the further submissions contained in Appendix A to the application for waiver lodged on 23 March 2016.



Denis Nugent
Hearing Panel Chair
24 March 2016