

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

THIRD DECISION ON LATE SUBMISSIONS

Introduction

1. On 1 February 2016 I sought further information from Longview Environmental Trust to clarify which submissions in particular the Trust's further submission (number 1282 lodged on 18 December 2015) related to. The Council received this information on 9 February last along with confirmation that a copy of the further submission had been served on the relevant submitters on the same day.

Relevant Submissions

2. The Trust identified the following submissions, as they related to the Objectives, Policies and Assessment Matters for Outstanding Natural Landscapes and Outstanding Natural Features, as being those which its further submission opposed:

Submission Number	Submitter
355	Matukituki Trust
375	J Carey-Smith
378	Peninsula Village Ltd and Wanaka Bay Ltd (PBJV)
502	Allenby Farms Ltd
519	New Zealand Tungsten Mining Ltd
581	Lesley and Jerry Burdon
598	Straterra
600	Federated Farmers of New Zealand
607	Te Anau Developments Ltd
615	Cardrona Alpine Resort Ltd
621	Real Journeys Ltd
716	Ngai Tahu Tourism Ltd
805	Transpower New Zealand Ltd

3. Appendix A contains a comprehensive list showing the individual submission points the further submissions relate to.
4. While the original further submission was lodged in time, it contained insufficient information to enable consideration as a valid further submission. In addition, it is apparent from the correspondence from the Trust's consultant that a copy was not served on the submitters within 5 working days of the further submission originally being lodged. Thus, I need to consider whether to waive the time for lodgement and service of these further submissions.

Powers in Relation to Waiving and Extending Time Limits

5. 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.

Principles to Guide Use of the Powers under s.37

6. There is no requirement for a formal application for a waiver to be made under s.37 or 37A.¹ As there are no rights of appeal in respect of decisions under s.37 there is little case law to guide the decision making process. The best analogy is the power of the Environment Court to grant waivers under s.281.
7. The most apposite guidance is provided in the Court's observation in *Omaha Park Ltd v Rodney DC*² that the Act "*encourages participation (in an orderly way, certainly) in the decision-making process, with the general philosophy that the possible inconvenience, delays and costs caused are hopefully outweighed by better informed decision-making and better environmental outcomes*".³
8. Based on that guidance, I will consider the interests of submitters and further submitters along with the interests of the community in achieving an adequate assessment of the PDP, giving weight to the encouragement given to public

¹ *Butel Park Homeowners Assn v Queenstown Lakes DC* (2007) 13 ELRNZ 104

² A46/08

³ Quoted with approval in *Royal Forest & Bird Protection Society Inc v Southland DC* [2015] NZEnvC 60

participation in the process, while taking account of the timing of hearings and the considerable amount of co-ordination needed to undertake those hearings.

Discussion

9. The additional information that makes it clear which submissions are opposed was received in adequate time to be considered and heard without any disruption or delay to the hearing schedule. Providing the opportunity for the Trust to be heard on the relevant matters will increase the range of evidence before the hearing Panel and thereby enable improved assessment of the Proposed District Plan. As all submissions are open to further submissions, and the possibility they will be opposed, I do not consider granting this waiver adversely affects the interests of the relevant submitters.
10. Considering all the relevant factors it is appropriate to waive the time for the lodgement of the further submission and its service on the relevant submitters.

Decision

11. Pursuant to sections 37 and 37A of the Resource Management Act 1991 the time to lodge further submissions 1282.2 to 1282.111 inclusive lodged by Longview Environmental Trust as detailed in Appendix A, and the time for the service of those further submissions on the relevant submitters, is waived.

Dated 16 February 2016

A handwritten signature in blue ink, appearing to read 'Nugent', is written over a light blue circular stamp.

Denis Nugent
Hearing Panel Chair

Appendix A: Submission Points Opposed

Further Submission number	Support / Oppose	Original Submission Point	Submitter
FS1282.2	Oppose	355.1	Matukituki Trust
FS1282.3	Oppose	355.2	Matukituki Trust
FS1282.4	Oppose	355.3	Matukituki Trust
FS1282.5	Oppose	355.4	Matukituki Trust
FS1282.6	Oppose	355.5	Matukituki Trust
FS1282.7	Oppose	355.6	Matukituki Trust
FS1282.8	Oppose	355.7	Matukituki Trust
FS1282.9	Oppose	355.8	Matukituki Trust
FS1282.10	Oppose	355.9	Matukituki Trust
FS1282.11	Oppose	355.10	Matukituki Trust
FS1282.12	Oppose	355.11	Matukituki Trust
FS1282.13	Oppose	355.12	Matukituki Trust
FS1282.14	Oppose	355.18	Matukituki Trust
FS1282.15	Oppose	375.1	J Carey-Smith
FS1282.16	Oppose	375.2	J Carey-Smith
FS1282.17	Oppose	375.3	J Carey-Smith
FS1282.18	Oppose	375.4	J Carey-Smith
FS1282.19	Oppose	375.5	J Carey-Smith
FS1282.20	Oppose	375.6	J Carey-Smith
FS1282.21	Oppose	375.7	J Carey-Smith
FS1282.22	Oppose	375.8	J Carey-Smith
FS1282.23	Oppose	375.9	J Carey-Smith
FS1282.24	Oppose	375.10	J Carey-Smith
FS1282.25	Oppose	375.11	J Carey-Smith

FS1282.26	Oppose	375.12	J Carey-Smith
FS1282.27	Oppose	375.13	J Carey-Smith
FS1282.28	Oppose	375.14	J Carey-Smith
FS1282.29	Oppose	378.5	Peninsula Village Ltd and Wanaka Bay Ltd (PBJV)
FS1282.30	Oppose	378.6	Peninsula Village Ltd and Wanaka Bay Ltd (PBJV)
FS1282.31	Oppose	378.9	Peninsula Village Ltd and Wanaka Bay Ltd (PBJV)
FS1282.32	Oppose	378.14	Peninsula Village Ltd and Wanaka Bay Ltd (PBJV)
FS1282.33	Oppose	378.15	Peninsula Village Ltd and Wanaka Bay Ltd (PBJV)
FS1282.34	Oppose	378.16	Peninsula Village Ltd and Wanaka Bay Ltd (PBJV)
FS1282.35	Oppose	378.17	Peninsula Village Ltd and Wanaka Bay Ltd (PBJV)
FS1282.36	Oppose	378.18	Peninsula Village Ltd and Wanaka Bay Ltd (PBJV)
FS1282.37	Oppose	378.19	Peninsula Village Ltd and Wanaka Bay Ltd (PBJV)
FS1282.38	Oppose	378.20	Peninsula Village Ltd and Wanaka Bay Ltd (PBJV)
FS1282.39	Oppose	378.21	Peninsula Village Ltd and Wanaka Bay Ltd (PBJV)
FS1282.40	Oppose	378.22	Peninsula Village Ltd and Wanaka Bay Ltd (PBJV)
FS1282.41	Oppose	378.25	Peninsula Village Ltd and Wanaka Bay Ltd (PBJV)
FS1282.42	Oppose	378.26	Peninsula Village Ltd and Wanaka Bay Ltd (PBJV)
FS1282.43	Oppose	378.33	Peninsula Village Ltd and Wanaka Bay Ltd (PBJV)
FS1282.44	Oppose	502.1	Allenby Farms Ltd
FS1282.45	Oppose	502.2	Allenby Farms Ltd
FS1282.46	Oppose	502.3	Allenby Farms Ltd
FS1282.47	Oppose	502.4	Allenby Farms Ltd

FS1282.48	Oppose	519.8	New Zealand Tungsten Mining Ltd
FS1282.49	Oppose	519.15	New Zealand Tungsten Mining Ltd
FS1282.50	Oppose	519.16	New Zealand Tungsten Mining Ltd
FS1282.51	Oppose	519.17	New Zealand Tungsten Mining Ltd
FS1282.52	Oppose	519.18	New Zealand Tungsten Mining Ltd
FS1282.53	Oppose	519.19	New Zealand Tungsten Mining Ltd
FS1282.54	Oppose	519.20	New Zealand Tungsten Mining Ltd
FS1282.55	Oppose	519.23	New Zealand Tungsten Mining Ltd
FS1282.56	Oppose	519.24	New Zealand Tungsten Mining Ltd
FS1282.57	Oppose	519.25	New Zealand Tungsten Mining Ltd
FS1282.58	Oppose	519.26	New Zealand Tungsten Mining Ltd
FS1282.59	Oppose	519.27	New Zealand Tungsten Mining Ltd
FS1282.60	Oppose	519.28	New Zealand Tungsten Mining Ltd
FS1282.61	Oppose	519.29	New Zealand Tungsten Mining Ltd
FS1282.62	Oppose	519.50	New Zealand Tungsten Mining Ltd
FS1282.63	Oppose	581.5	Lesley and Jerry Burdon
FS1282.64	Oppose	581.6	Lesley and Jerry Burdon
FS1282.65	Oppose	581.7	Lesley and Jerry Burdon
FS1282.66	Oppose	581.8	Lesley and Jerry Burdon
FS1282.67	Oppose	581.9	Lesley and Jerry Burdon
FS1282.68	Oppose	581.10	Lesley and Jerry Burdon
FS1282.69	Oppose	581.11	Lesley and Jerry Burdon

FS1282.70	Oppose	581.12	Lesley and Jerry Burdon
FS1282.71	Oppose	598.14	Straterra
FS1282.72	Oppose	598.15	Straterra
FS1282.73	Oppose	598.16	Straterra
FS1282.74	Oppose	598.24	Straterra
FS1282.75	Oppose	598.25	Straterra
FS1282.76	Oppose	598.26	Straterra
FS1282.77	Oppose	598.27	Straterra
FS1282.78	Oppose	598.28	Straterra
FS1282.79	Oppose	598.29	Straterra
FS1282.80	Oppose	598.30	Straterra
FS1282.81	Oppose	598.31	Straterra
FS1282.82	Oppose	598.32	Straterra
FS1282.83	Oppose	598.33	Straterra
FS1282.84	Oppose	600.29	Federated Farmers of New Zealand
FS1282.85	Oppose	600.30	Federated Farmers of New Zealand
FS1282.86	Oppose	600.44	Federated Farmers of New Zealand
FS1282.87	Oppose	600.45	Federated Farmers of New Zealand
FS1282.88	Oppose	607.16	Te Anau Developments Ltd
FS1282.89	Oppose	607.17	Te Anau Developments Ltd
FS1282.90	Oppose	615.16	Cardrona Alpine Resort Ltd
FS1282.91	Oppose	615.25	Cardrona Alpine Resort Ltd
FS1282.92	Oppose	621.16	Real Journeys Ltd
FS1282.93	Oppose	621.17	Real Journeys Ltd
FS1282.94	Oppose	621.26	Real Journeys Ltd
FS1282.95	Oppose	621.27	Real Journeys Ltd

FS1282.96	Oppose	621.28	Real Journeys Ltd
FS1282.97	Oppose	621.29	Real Journeys Ltd
FS1282.98	Oppose	621.30	Real Journeys Ltd
FS1282.99	Oppose	621.31	Real Journeys Ltd
FS1282.100	Oppose	621.32	Real Journeys Ltd
FS1282.101	Oppose	621.33	Real Journeys Ltd
FS1282.102	Oppose	621.34	Real Journeys Ltd
FS1282.103	Oppose	621.92	Real Journeys Ltd
FS1282.104	Oppose	716.12	Ngai Tahu Tourism Ltd
FS1282.105	Oppose	716.13	Ngai Tahu Tourism Ltd
FS1282.106	Oppose	805.27	Transpower New Zealand Ltd
FS1282.107	Oppose	805.28	Transpower New Zealand Ltd
FS1282.108	Oppose	805.41	Transpower New Zealand Ltd
FS1282.109	Oppose	805.42	Transpower New Zealand Ltd
FS1282.110	Oppose	805.43	Transpower New Zealand Ltd
FS1282.111	Oppose	805.44	Transpower New Zealand Ltd