

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of the Queenstown Lakes
Proposed District Plan

**TWELTH DECISION ON APPLICATION FOR
WAIVER OF TIME TO LODGE SUBMISSION**

1. On 15th December 2016, the Council received a submission on the Proposed District Plan (PDP) from Queenstown Gateway (5M) Limited (QGL) with an application to waive the time for lodgement.
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 submissions. Section 37 provides that the Council may extend or 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. The period for lodging submissions ended on 23 October 2015, and the period for lodging further submissions ended on 18 December 2015. Thus, this application is almost 14 months out of time and has been lodged almost 1 year later than the period for lodging further submissions ended. No reason is given for the delay in lodging this submission.
4. The submission seeks the rezoning of land in Frankton Flats from Rural to Frankton Flats (A) Special Zone.
5. The agent for QGL made the following comments in relation to the provisions of sections 37 and 37A:
 - a) *The land affected by the submission is all owned by QGL. It is not considered that there are any other parties who would be directly affected by the rezoning of the land.*

- b) *It is considered that the interests of the community are better served by the rezoning of the land as the rezoning as proposed will better reflect the existing, and likely future, uses of the land. By having the appropriate zoning in place, the community will have greater certainty with respect to the intended use of the land.*
- c) *Whilst this submission is late, it is not considered that it will cause any unreasonable delay or prejudice. This submission relates to a relatively discreet matter and the hearings on the rezoning topic have not yet been held, or even scheduled.*

6. If I were to grant this waiver application the Council would be obliged to publicly notify a summary of the submission and allow the lodgement of further submissions. Whether other persons consider themselves directly affected would be determined by that process. However, that process places a financial cost on the Council and the time involved, given that a summary could not realistically be notified until late January 2017, would impact on the planning that is presently underway to establish a schedule to hear submissions on the Planning Maps in Frankton.
7. The submission is, in any event, misconceived as it seeks to zone the subject land a zone which is not part of Stage 1 of the PDP. The zoning sought is a zone in the Operative District Plan. There is no presumption that that zoning will be the one notified for the adjoining land presently zoned Frankton Flats (A) Special Zone.
8. Thus, waiving the time for lodgement would not serve the community's interests, but rather, could create confusion. In addition, as the adjoining land owned by QGL is not part of Stage 1 of the PDP, no delay will ensue from refusing the waiver.
9. In my view, the more appropriate process, if QGL wishes to pursue a common PDP zone over its landholding in this area, is for the company to engage with the staff at the Council to enable the matter to be dealt with in Stage 2 of the PDP, which is when I understand the Frankton Flats (A) Special Zone is to be reviewed.
10. Finally, I do not consider the provisions of sections 37 and 37A provide scope to allow additional submissions to be lodged on a proposed district plan over a year after the time for lodgement has ended. If Parliament had intended such a possibility it would not have needed to provide for variations under clause 16A of the First Schedule to the Act. It could have left Councils to lodge late submissions.
11. For all the reasons set out above, I refuse to waive the time for Queenstown Gateway (5M) Limited to lodge the submission dated 15 December 2016.

Dated 16 December 2016

A handwritten signature in blue ink, appearing to read "Nugent". The signature is written in a cursive style with a large initial 'N' and a trailing flourish.

Denis Nugent

Hearing Panel Chair