

Queenstown Lakes District Council

Variation to Queenstown Lakes Proposed District Plan: Inclusionary Housing

Procedural Decision : Application for waiver and extension of time limit – QLDC district plan administrator

1. APPLICATION FROM QLDC DISTRICT PLAN ADMINISTRATOR

- 1.1 This afternoon the Panel has received a request (“the request”) from QLDC’s district plan administrator for a waiver under section 27 of the Act. Given the terms of the request, we have proceeded to assess this request as a request for a waiver and time extension under section 37 of the Act.
- 1.2 The request notes that the Notice of Hearing was only posted on the Council website today, 26 February 2024, nine working days late, and that all submitters have been provided with this Notice of Hearing. The request also notes that all submitters to the variation were emailed the evidence exchange timetable dates and the hearing start date on 12 October 2023. The hearing start date was also advised to all submitters in Minute 1, circulated on 1 November 2023. The request notes that all submitters who indicated on their submission that they wished to speak at the hearing have been contacted by the Council’s district plan administration staff and those submitters who wished to speak have been allocated time slots on the hearing timetable. This hearing timetable is on the Council website and links to that timetable have been sent to submitters.
- 1.3 The request further notes that the hearing date, time and location have also been advertised as part of Council’s monthly meeting schedule and is on the Council’s meeting schedule webpage. Further, all submitters have been kept up to date with all procedural matters to date and through the period of the evidence exchange.

2. SECTION 37 OF THE ACT

- 2.1 A consent authority may, in any particular case, extend a time period specified in the Act, whether or not a time period has expired, or waive a failure to comply with a requirement under the Act for a time for service of documents.¹
- 2.2 A consent authority must not extend a time limit or waive compliance with a time limit or the service of a document in accordance with section 37 unless it has taken into account the interests of any person who, in its opinion, may be directly affected by the extension or waiver, and the interests of the community in achieving adequate assessment of the plan variation (in this case), along with any duty to avoid unreasonable delay.²
- 2.3 A time period may be extended under section 37 for a time not exceeding twice the maximum time period specified in the Act or, if more than that doubling of time, with the agreement of the applicant.³
- 2.4 Section 37A(4) requires that the time period may be extended under section 37 only if the time period as extended does not exceed twice the maximum time period specified in the Act ,and either special circumstances apply or the applicant agrees to the extension, and the matters specified in section 37A(1) are taken into account. A similar requirement is set out in section 37A(5).

¹ Section 37(1)

² Section 37A(1)

³ Section 37A(2). In this case, the Council is the applicant, being the applicant for the variation.

2.5 A consent authority must ensure that every person who, in its opinion, is directly affected by the extension of the time limit or the waiver of compliance is notified of the extension or waiver.⁴

3. DECISION

3.1 The Council's district plan administration team have provided reasons for the need for the waiver and time extension. The Notice of Hearing has been circulated nine working days late. All submitters have been kept fully informed of procedural matters related to the hearing since October 2023, and those submitters wishing to be heard have been contacted directly by the Council to organise a hearing slot for the hearing. The hearing timetable is on the Council website and all submitters were sent a link to that timetable.

3.2 I do not consider any person will be directly affected or prejudiced by the time extension and waiver. Nor is there any effect on the interests of the community in assessing the variation.

3.3 The time period for circulating the Notice of Hearing is extended by nine working days to **26 February 2024**. The Council's application for a waiver of the time period in which service should have occurred is **granted**.

3.4 All submitters, whether appearing at the hearing or not, must be advised of this decision as soon as possible today.

Jan Caunter, Chair

For the Hearing Panel

26 February 2024

⁴ Section 37A(6)