

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource Management Act 1991 ('the Act')
AND

IN THE MATTER of the Queenstown Lakes Proposed District Plan: Hearing Stream
07-Chapter 37 designations

COMMISSIONERS MINUTE RELATING TO S42A REPORT ON NZTA'S LATE SUBMISSION

Date: 6 September 2017

Introduction

- 1 In October last year, the New Zealand Transport Association (NZTA) applied for a waiver of time to lodge a submission on the Proposed District Plan (PDP) in relation to its designations.
- 2 This waiver was granted by way of "Decision on application for waiver of time to lodge submission" dated 19 October 2016.
- 3 NZTA then filed a late submission addressing the alterations that were omitted from NZTA's designations and requesting that the references to the Limited Access Roads in the Designations Chapter be updated.
- 4 The Council then gave public notice of NZTA's late submission and the submission was served on all persons who made a submission on the PDP and any other persons that the Council considered to be directly affected by the matters contained within the submission.

S42A Report on NZTA's late submission

- 5 The next step was for the Council to prepare a s42A report on NZTA's submission and any further submissions received.
- 6 I have made a number of earlier enquiries and by way of email, dated 31 July 2017, I was informed that the s42A report on NZTA's late submission has been drafted, and was undergoing legal review. It was then to be circulated to NZTA for comment with the expectation that agreement would be reached on all issues and a hearing would not be required.
- 7 To date, I have not received a copy of the s42A report, nor have I received any further communication from the Council or NZTA on this matter.
- 8 I do appreciate that the Council is very busy with various elements of the District Plan Review process, however I cannot complete my decision report for the Designations chapter without the s42A report in order to include my recommendation on the NZTA designations.
- 9 Furthermore, as outlined in Mr Winchester's opening legal submissions at paragraph 3.4 once the s42A report is complete, if necessary, a hearing will be held on NZTA's late submission. (my emphasis added) This decision as to whether a hearing is required is still yet to be made and will be informed by the s42A report on the NZTA late submission.

Directions

- 10 In order to move forward, I direct the Council provide an update addressing the following questions:
- (a) Is a hearing required with regard to the NZTA late submission? If not, what are the reasons for this?
 - (b) Irrespective of the answer above; when will the s42A Report be provided?
- 11 I will await a response from the Council and issue further directions as required.

For the Hearing Panel



Paul Rogers
Commissioner
6 September 2017