

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of the Queenstown Lakes
Proposed District Plan

DECISION ON APPLICATION FOR WAIVER OF TIME
TO LODGE FURTHER SUBMISSIONS

1. On Thursday 27 October 2016, the Council received an undated further submission lodged by the Queenstown Lakes Community Housing Trust (“the Trust”). The Trust sought to support submissions 139 and 790.
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 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. Further submissions may only be lodged by limited categories of persons (cl.8 First Schedule to the Act). The Trust claims to come within the category of having an interest in the proposal that is greater than the interest of the general public as:
 - a) it is a submitter on the Proposed District Plan; and
 - b) it claims to be directly affected by the outcomes requested in submissions 139 and 790.
4. I do not accept that by being a submitter the Trust has demonstrated an interest in the District Plan greater than the public generally. Any member of the general public can lodge a submission on a proposed district plan. Thus, lodging such a submission cannot in itself elevate the submitter’s interest. The claim to be directly affected is described in more detail in the Trust’s reasons why the waiver should be granted.

5. The Trust stated:
- *The submitter has an interest in Lot 2 DP 340530 (Ironsides Drive, Scurr Heights Wanaka) that is greater than the general public as they may be involved in the development of the land*
 - *Since notification of the Proposed District Plan the submitter has advanced consideration of the potential densities development options for the land. [my underlining]*
6. It is not apparent from these statements that the Trust has any interests in the affected land that mean it would be directly affected by the Plan in any way different from the public at large, only that they may be involved in its development.
7. The Trust considers that no person would be prejudiced by the late filing due to the mapping issues not being considered as yet.
8. It appears the Trust is seeking to support a change of zoning of the land described above from Low Density Residential (as it was notified) to Medium Density Residential. I note that further submission 1019 (Mr Noel Williams) opposes the rezoning sought by submission 139. I also note that it is not clear from the further submission that Mr Williams satisfies the requirements of cl.8 of the First Schedule to the Act either.
9. I am satisfied that the interests of neither the original submitters nor Mr Williams would be affected by waiving the time for receipt of this further submission. However, as I allude to above, I am not satisfied that the granting or refusing the waiver affects the interests of the Trust. Either or both submitters are able to call the Trust's representatives as witnesses in support of their respective submissions.
10. The time for lodging further submissions closed on 18 December 2015. The further submission has been received over 10 months after that date. While the Hearing Panel, on behalf of the Council, has not yet heard these submissions, it has already sent a first Minute to these submitters, among others, requesting they advise the Panel as to how much hearing time they require. A second Minute is expected to be distributed this week, and a schedule of hearing slots drawn up. Even if the long delay, which has not been explained, is ignored, this request has been received at the latest possible moment.
11. It is not apparent from the application that the Trust can provide additional assistance in assessing the issues raised by the submissions.

12. I have doubts that the Trust satisfies the requirements for a further submitter as set out in the Act and I am not satisfied that adequate grounds have been made out to grant a waiver of time. Thus, for all the above reasons, I **refuse** to waive the time to lodge the further submission of Queenstown Lakes Community Trust supporting submissions 139 and 790.

A handwritten signature in blue ink, appearing to read 'Nugent', is written in a cursive style.

Denis Nugent
Hearing Panel Chair
31 October 2016

FORM 6
FURTHER SUBMISSION ON PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

Clause 8 of First Schedule, Resource Management Act 1991

To: Queenstown Lakes District Council

Submitter Details:

Name of submitter: Queenstown Lakes Community Housing Trust

Address for Service: Queenstown Lakes Community Housing Trust

PO Box 1748, Queenstown

1. This is a further submission on the Proposed Queenstown Lakes District Plan.

2. The following submissions are opposed:

3. The following submission are supported:

- Submission No.139 – Iain Weir
- Submission No.790 – Queenstown Lakes District Council

4. The submitter has an interest in the proposal that is greater than the interest of the general public.

The submitter's interest is greater than the interest of the general public because QLCHT was a submitter on the Proposed District Plan (No.88) and is directly affected by outcomes requested in submissions listed above.

5. The reasons for this submission are:

It is noted this submission has been filed late the reasons for this are:

- The submitter has as an interest in Lot 2 DP 340530 (Ironsides Drive, Scurr Heights Wanaka) that is greater than the general public as they may be involved in the development of the land.

- Since notification of the Proposed District Plan the submitter has advanced consideration of the potential densities development options for the land.

In addition, the submitter considers no one would be prejudice by the acceptance of this late submission as the QLDC has not yet advanced consideration of mapping issues such as the appropriate zoning for Lot 2 DP 340530.

Submitter #	Support, Oppose or Neutral	Further Submission
139	Support	The submitter supports this submission as it relates to increasing density and up-zoning of Lot 2 DP 340530 and the benefits of this as identified in the submission. The submission and matters sought in it will promote and give effect to Part 2 of the Act and meet section 32 of the Act. Increasing height will also assist in achieving the objectives of the Proposed District Plan having regard to their efficiency and effectiveness, and taking into account the costs and benefits
790	Support	The submitter supports this submission where it relates to increasing density and up-zoning of Lot 2 DP 340530. The submissions and matters sought in it will promote and give effect to Part 2 of the Act and will promote the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits.

6. The submitter wishes to be heard in support of their submission.

7. If others make a similar submission the submitter will consider presenting a joint case with them at a hearing.



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 Executive Officer
 Queenstown Lakes Community Housing Trust