

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Stage 3 of the
Queenstown Lakes
Proposed District Plan

MINUTE 5 – LATE FURTHER SUBMISSIONS

Introduction

1. The summary of submissions on Stage 3 and Stage 3B of the Proposed District Plan was publicly notified on 30 January 2020. Although the originally notified submission period expired at 17 February, due to a glitch with the Council website, this was extended to 18 February 2020.
2. Four further submissions have been received after the extended deadline:
 - Michael and Louise Lee – lodged 12.08 pm on 19 February;
 - Scope Resources Limited – lodged 11.41am on 19 February;
 - Sport Central – lodged 4.03 pm on 20 February;
 - Neil and Hilary Jackson – lodged 11.33am on 22 February.
3. Accordingly, I need to consider whether I should exercise the power delegated to me from Council and waive the late lodgement in each case.
4. In my Minute 2, I discussed the powers related to waiving and extending time limits and the considerations bearing upon the exercise of those powers. While that discussion related to original submissions, the same considerations apply to further submissions and I need not repeat that discussion.
5. The Lee and Scope Resources further submissions both acknowledged that they were late. Mr Lee explained that he had had other commitments on the last day of the further submission period. Mr Geddes, for Scope Resources suggested that the delay in lodging that further submission was not sufficient for any party to be prejudiced. The Sport Central further submission was accompanied by a covering

comment that the submitter had not been able to utilise the electronic form, explaining at least some of the delay.

6. As discussed in my Minute 2, I can consider such matters without any formal application for waiver. Accordingly, the absence of one from Sport Central or from Mr and Mrs Jackson is not material.
7. There are other aspects of the Sport Central further submission that I need to note. It is expressed as being in support or opposition of the submission of "*K.J. Carruthers, Sport Central... #31053*". It would appear that its author misunderstood what was required, failing to appreciate that what needed to be listed was the name of the primary submission who was being supported or opposed. I also observe that there is no submission 31053. Notwithstanding those technical issues, the Sport Central further submission is expressed to relate to the zoning of land at 516 Frankton-Ladies Mile Highway. As such, it clearly seeks to support the submission of Sport Otago (#3005), that being the only submission to raise the zoning of that site. I consider it on that basis.
8. Mr and Mrs Jackson's further submission also presents some issues. It appears to me that Mr and Mrs Jackson have misunderstood the nature of the further submissions process. Their further submission supports their own primary submission. While, on the face of the matter, this is not precluded by the First Schedule, it does raise questions as to the value of doing so, given that a further submission cannot add new matters (acknowledging that this one does not seek to do so).

Discussion

9. The Lee and Scope Resources further submissions were lodged within half a day of the deadline. I agree with Mr Geddes's observation that there can be no realistic possibility of prejudice to any party. That includes the Council team who are preparing their Section 42A Reports.
10. The Sport Central further submission, while a little later, was still filed within around two days of the deadline. Given that the further submission merely lends support without providing additional grounds and the further submitter does not seek to be heard, I consider that its acceptance would not prejudice any participant to the Stage 3 hearing process either. To the extent the Sport Central further submission fails to supply the information required by the regulations, the intent is clear, and I can waive that failure.

11. The Jackson further submission was lodged another two days later. That further delay might be excusable if I considered that the Jacksons' further submission assisted more informed decision-making. In summary, I do not consider it does. Rather, it repeats their opposition to a wāhi tūpuna overlay and pursues the request previously made in that submission for clarification of how the wāhi tūpuna boundary was fixed.
12. In summary, therefore, for the reasons I have discussed above, I waive late lodgement of the Lee, Scope Resources and Sport Central further submissions and decline to waive the Jackson further submission. To the extent that the Sport Central further submission fails to supply necessary information (the primary submission supported), I waive that omission also.

Dated 24 February 2020



Trevor Robinson

Chair

Stage 3 Hearing Panel