

IN THE MATTER                      of the Resource  
Management Act 1991

AND

IN THE MATTER                      of the Queenstown Lakes  
Proposed District Plan

AND

IN THE MATTER                      of Leave Sought to File Late  
Further Submissions

**DECISION ON REQUEST BY BENDEMEER RESIDENTS GROUP TO FILE  
LATE FURTHER SUBMISSION DATED 13 OCTOBER 2016**

1. On 13 October 2016 the Bendemeer Residents Group (BRG) lodged a further submission and sought a waiver of time lodge and serve such further submission. The further submission opposed Submission # 456 by Hogan's Gully Farming Limited (HGFL).
2. The application for waiver notes that the BRG comprises residents of the Bendemeer Special Zone, and that zone directly adjoins the land of HGFL along the zone's eastern boundary for a length of some 2km. Ten members of the BRG own land within the special zone and share the common boundary with HGFL.
3. The application for waiver notes the following reasons for only now applying to lodge the further submission:
  - a) The BRG only became aware of the submission of HGFL some time after the period for further submissions had closed;
  - b) Having become aware of the submission the Residents Group sought professional advice as to the implications of the relief sought in the HGFL submission, and that advice indicated the potential for adverse effects on the special zone;
  - c) During the period available to lodge further submissions, the BRG was relying on another adviser, who it appears did not alert the Group to the submission.
4. The application submits that the only person potentially prejudiced by the late lodgement would be HGFL, the hearing timetable is such that HGFL would have adequate time to respond to the further submission, and that the hearing process

would be better served by allowing the landowners most directly affected by the HGFL proposal to be heard.

5. 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 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.
6. The time for lodging further submissions ended on 18 December 2015. The submitter is seeking to lodge these further submissions some ten months late. Turning to the matters I need to consider under s.37A, I note the following:
  - a) The only persons that may be directly affected by the grant of the waiver are the BRG and HGFL;
  - b) The District Plan preparation process is enhanced by direct involvement by submitters. I agree with the submission of BRG that the hearing process will be improved by hearing the views of adjacent landowners;
  - c) The hearing of submission 456 is unlikely to be before the second half of 2017.
7. While this further submission has been filed exceptionally late, the hearing and submission decision-making process will be better served by waiving the time period for lodgement.
8. Accordingly, pursuant to sections 37 and 37A, I waive the time for the Bendemeer Residents Group to lodge the further submission in opposition to submission #456. The further submitter is to serve a copy on the original submitter in accordance with clause 8A of the First Schedule within 5 working days from today's date.



Denis Nugent  
Hearing Panel Chair  
13 October 2016