

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 Hearing Stream 13:
Queenstown Mapping

**MINUTE CONCERNING REQUEST FOR HEARING TIME AND
TO AMEND FURTHER SUBMISSIONS**

1. We have received two requests jointly from Jacks Point Residents and Owners Association (FS1277) and Jacks Point et al (FS1275) (referred to as the requestors):
 - a) For hearing time to be heard in respect of the further submissions in opposition to Submission 361; and
 - b) To amend further submissions 1275 and 1277.

Hearing Time

2. Counsel has requested 30 minutes hearing time, presumably to only present legal submissions as no evidence has been lodged. Counsel has set out reasons for this late request which relate to changes to the proposal sought by Submitter 361 as set out in the evidence lodged by that submitter.
3. As we have time available within the six weeks set aside to hear submitters' cases I grant the request for hearing time of 30 minutes on the basis that it can be fitted into a day when we are already sitting. I am granting this request on the basis that we will be better informed having heard from counsel. I make no comment on the validity of the reasons provided by counsel.

Amend Further Submissions

4. The request is that each further submission be amended by inserting in the reasons for the further submission "*The rezoning is further opposed on the basis of potential adverse effects on the functioning of the State Highway*".

5. As lodged, the further submissions opposed Submission 361 *“on the basis that it will have cumulative adverse effects on landscape and visual values, including light spill, and the character of the area.”*
6. The requested additions essentially amount to requests to waive the time limits to lodge additional further submissions and I will treat them as such.
7. I have been delegated the Council’s powers under s.39B of the Act in relation to procedural matters in relation to these hearings, including the Council’s powers under s.37 to waive or extend time limits in respect of the lodgement of submissions and further submissions, or to waive omissions and inaccuracies.
8. Section 37 provides that time limits may be waived, 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.
9. Counsel has submitted that these amendments should be made as, by amending access options to an area Submission 361 seeks to have zoned industrial, there are potential effects on the viability of Woolshed Road being upgraded to provide access to the Jacks Point Zone. Counsel submits that such a change constitutes a materially different position being proposed by Submitter 361.
10. It is clear that four persons have an interest in these proposed amendments: Submitter 361; the Council; New Zealand Transport Agency (“NZTA”); and the requestor. As the first three persons listed have already filed substantive and rebuttal evidence for these hearings, those persons would be prejudiced if they now had to respond to these additional reasons for the further submissions.
11. As for the requestors, Submission 762 (lodged by Jacks Point et al) sought that Chapter 41 be amended to limit the access points off State Highway 6 to Maori Jack Road and Woolshed Road, and that a rule be included limiting the use of Woolshed Road until certain design matters had been dealt with. Those requests were heard in Hearing Stream 9. It is not apparent to me how, given the request for such a limitation and that connections to the State Highway are controlled by NZTA, the requestors can be prejudiced if I did not grant the waiver. I also have doubts that the requestors fall within any of the categories of persons who may

lodge further submissions under Clause 8(1) of the First Schedule, in respect of this particular request.

12. I do not consider that on this particular matter the requestors will assist in achieving adequate assessment of the effects of the proposed district plan. Finally, I would not make a decision waiving the time to lodge these further submissions without hearing from Submitter 361, the Council and NZTA. As we are one week out from commencing the hearing, and two weeks from hearing Submitter 361, a process to enable submissions to be lodged by those parties would inevitably cause an unreasonable delay.
13. For those reasons, I refuse the requests by Jacks Point Residents and Owners Association (FS1277) and Jacks Point et al (FS1275) to amend their respective further submissions opposing Submission 361.
14. In the light of that decision, counsel is to confirm with the Hearing Manager whether she wishes to be heard solely in respect of the further submissions as lodged.

Dated 15 July 2017



Denis Nugent
Hearing Panel Chair