

**Before the Hearing Panel
At Wellington**

Under the Resource Management Act 1991 (**RMA**)

In the matter of Proposed Natural Resources Plan for the Wellington Region
(Hearing Stream 5)

Application for Waiver and Extension of Time

Date: 17 July 2018



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MAY IT PLEASE THE PANEL:

- 1 The Wellington Regional Council (**Council**) requests a waiver and an extension of time to file and circulate its right of reply for Hearing Stream 5 (**HS5**).
- 2 The Council requests that HS5 right of reply be filed on **18 July 2018**.
- 3 The Council was due to file and circulate its right of reply on for HS5 on 16 June 2018. As the date for filing HS5 right of reply has passed, a waiver in addition to an extension is sought.
- 4 HS5 right of reply is scheduled to be heard on 30 to 31 July 2018.

Basis for request

- 5 The basis for this request is that the significance and complexity of the issues, the volume of evidence provided by submitters and the questions that arose throughout the hearing have necessitated additional time being required the preparation of the right of reply.

Assessment of application for extension

- 6 Under section 37(1)(a) of the Resource Management Act 1991 (**RMA**), a time period specified in the RMA can be extended, whether or not the time period has expired. Under section 37(1)(b) the failure to comply with a time or method of service of documents can be waived.
- 7 Section 37A of the RMA states that that a time limit cannot be extended or compliance waived unless the decision maker has taken into account:
 - 7.1 the interests of any person who may be directly affected by the extension or waiver;

7.2 the interests of the community in achieving adequate assessment of the effects of a proposal; and

7.3 its duty to avoid unreasonable delay.

8 It is submitted that no submitters are potentially directly affected by the waiver or extension. This application deals with the Council's right of reply, which is filed after all evidence from submitters has been presented. No submitter has any additional right to provide further evidence or response to the Council's reply.

9 It is in the interests of the community to ensure that the Panel has before it a comprehensive right of reply. This will enable an adequate assessment of the effects of the proposal to be considered by the Panel.

10 The delay is not unreasonable and would not, in our submission, delay the Panel's decision on the matter. The delay was required so that the Council could provide the Panel with a careful assessment. That delay does not impact on the currently proposed hearing timetable.

Directions sought

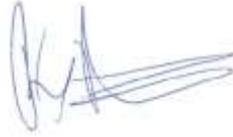
11 The Council requests that the Panel:

11.1 Grant the application for an extension for filing the right of reply for:

11.1.1 HS5 from 16 July 2018 to 18 July 2018, and

11.1.2 Waive the non-compliance with filing the HS5 right of reply on 16 July 2018.

Date: 17 July 2018

A handwritten signature in blue ink, appearing to be 'KA' followed by several horizontal strokes.

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Kerry Anderson / Kate Rogers
Counsel for Wellington Regional Council