

**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)

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**Application for Extension of Time**

Date: 5 March 2018

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50-64 Customhouse Quay, Wellington 6011  
PO Box 2791, Wellington 6140  
DX SP20002, Wellington  
Tel +64 4 472 6289  
Fax +64 4 472 7429

Solicitor on the record  
**Contact solicitor**

Kerry Anderson  
**Emma Manohar**

kerry.anderson@dlapiper.com  
**emma.manohar@dlapiper.com**

Tel +64 4 474 3255  
**Tel +64 4 918 3016**

**MAY IT PLEASE THE PANEL:**

1 The Wellington Regional Council (**Council**) requests an extension of time to file and circulate its section 42A reports, and supporting evidence for Hearing Stream 5. Those reports are as follows:

1.1 Section 42A report - Wetlands and Biodiversity - author Ms Pam Guest;

1.2 Section 42A report - Beds of Lakes and Rivers - author Ms Pam Guest; and

1.3 Section 42A report - Discharges to Land - author Mr Barry Loe.

**Basis for request**

2 The basis for this request is that the significance of the issues, and the volume of submissions on the relevant provisions, have necessitated additional time in the preparation of the reports, including the preparation of supporting technical evidence. This, combined with the involvement of both Ms Guest and Mr Loe in prior hearing streams, has resulted in the extension now being sought.

3 The Council is due to file and circulate its section 42A Reports and supporting evidence for Hearing Stream 5 on Wednesday 7 March 2018. The Council seeks that an extension until Monday 12 March 2018 is granted (being 3 working days).

4 The Council seeks that the same 3 working day extension be provided to submitters who are intending to file evidence in Hearing Stream 5. This would extend the relevant date from 21 March 2018 to 26 March 2018.

5 It is considered that no extension to the commencement of Hearing Stream 5 is required, and it can proceed as currently scheduled, on 9 April 2018.

### **Assessment of application for extension**

- 6 Under section 37 of the Resource Management Act 1991 (**RMA**), a time period specified in the RMA can be extended. The Panel has directed the provision of the section 42A reports by 7 March 2018 under section 41B of the RMA.
- 7 Section 37A of the RMA states that that a time limit cannot be extended 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 submitters preparing to provide evidence at, or otherwise attend Hearing 5 are potentially directly affected by the extension. However, as the Council is also seeking the same length of extension for the production of submitters' evidence, and no change to the hearing date, the effects of the extension are considered to be acceptable.
- 9 It is in the interests of the community to ensure that the Panel has before it completed section 42A reports and supporting evidence. This will enable an adequate assessment of the effects of the proposal to be considered by the Panel.
- 10 The delay proposed is not unreasonable and would not, in our submission, delay the Panel's decision on the matter. It is entirely reasonable that a delay take place so that the Council can 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 a 3 working day extension of the time limit to file its section 42A reports and supporting evidence for Hearing Stream 5; and

11.2 grant the application for a corresponding extension of the time limit for submitters to file their evidence for Hearing Stream 5.

**Date:** 5 March 2018



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Kerry Anderson / Emma Manohar  
Counsel for Wellington Regional Council