

**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 2)

Application for Extension of Time

Date: 11 August 2017



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MAY IT PLEASE THE PANEL:

1 The Wellington Regional Council (**Council**) requests an extension of time to prepare those parts of its officers' reply statements on Hearing Stream Two that relate to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (**NES-PF**) and the potential Stock Exclusion Regulations.

NES-PF and soil conservation

2 The basis for this request is that the NES-PF was made on 31 July 2017. Its content is relevant to matters covered by Mr Paul Denton in his section 42A Report on soil conservation. Mr Denton is required to provide his written right of reply following submissions being heard by the Panel on 11 August 2017. Further time is required to properly consider the implications of the NES-PF by Mr Denton. Mr Denton considers that the majority, if not all, of the material he is addressing in his right of reply will be impacted on by the NES-PF and therefore an extension is sought for the entire soil conversation right of reply.

3 In terms of timing to provide Mr Denton's right of reply on the soil conservation topic, the Council does not have a preferred date. It suggests that it might be suitable to provide the response on one of the following dates:

3.1 **Monday 4 September 2017** - the right of reply questioning day, with Mr Denton being available to answer questions on Thursday 14 September or Monday 18 September; or

3.2 **Monday 6 November 2017** - as part of section 42A reports on Hearing Stream Five, which includes the beds of lakes and rivers. The NES-PF will also be relevant to that topic.

4 Mr Denton will be able to provide his response on the NES-PF by either date.

Stock Exclusion

- 5 The Stock Exclusion Regulations have not been made at the time of making this request. However, it is believed that they are forthcoming and will address matters raised in Mr Loe's right of reply for Hearing Stream 2.
- 6 In that light, it is requested that Mr Loe be granted leave to provide a further written statement in reply following the making of the Stock Exclusion Regulations, if and when they are made. At the time they are made counsel will update the Panel and seek confirmation of a date by which Mr Loe is to file that supplementary right of reply.
- 7 However, if the Stock Exclusion Regulations are not made by the end of 2017, counsel will update the Panel and seek directions as to any provision of additional reply required from Mr Loe.
- 8 Mr Loe will provide his right of reply by 11 August 2017 addressing the issues as they are at that time. The above request is to allow a supplementary written reply to be filed to address the Stock Exclusion Regulations, if made, or to provide any additional reply required from Mr Loe if the Stock Exclusion Regulations are not made.

Assessment of application for extension

- 9 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 reply statements by 11 August 2017 under section 41B of the RMA.
- 10 Section 37A of the RMA states that that a time limit cannot be extended unless the decision maker has taken into account:
- 10.1 the interests of any person who may be directly affected by the extension or waiver;

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

10.3 its duty to avoid unreasonable delay.

11 It is submitted that no person is directly affected by the extension. The extension is being sought for the provision of a Council Officer's reply statement and for the ability to file a supplementary reply statement if required. There is no opportunity for any party to provide further response to the Council's reply, whether filed on 11 August or after.

12 It is in the interests of the community to ensure that the NES-PF and the Stock Exclusion Regulations are adequately assessed in the reply material that the Council is providing to the Panel. This would avoid duplication of work as without the extension Mr Denton's reply statement would not be complete, and he, or a further Council officer would still need to address the implications of the NES-PF on the soil conservation topic already heard by the Panel. Mr Loe would be providing a supplementary response to update the Panel on matters relevant to his topics following the making of any Stock Exclusion Regulations.

13 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 of the impact of the NES-PF in their reply. The request for a supplementary right of reply is also not considered to be unreasonable.

Directions sought

14 The Council requests that the Panel:

14.1 grant the application for an extension of the time limit to file Mr Paul Denton's reply on the soil conservation topic under section 37,

14.2 advise the Council as to which date it requires that statement to be filed; and

14.3 grant leave to allow Mr Loe to provide a supplementary right of reply to address the proposed Stock Exclusion Regulations if made.

Date: 11 August 2017

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by a horizontal line that tapers to a point on the right.

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Kerry Anderson / Emma Manohar
Counsel for Wellington Regional Council