

IN THE MATTER OF *the Resource Management Act 1991*

A N D

IN THE MATTER OF *the hearing of submissions in relation to
the Proposed Timaru District Plan*

**DECISION EXTENDING TIME FOR FILING OF FURTHER
SUBMISSIONS**

DATED 4 AUGUST 2023

1. **Introduction**

Summary of submissions / further submissions

On 24 July 2023 the Timaru District Council ("the Council") gave public notice of the summary of submissions on the Proposed Timaru District Plan ("the Proposed District Plan").

The Council invited further submissions on the submissions to the Proposed District Plan. The notice provided ...

The submission period starts on the Monday 24 July 2023 and closes on Friday 4 August 2023 at 5pm.

Request for extension of time

A number of submitters have requested further time for the making of further submissions. We record that requests for extension have been received from Rooney Group and Opuha Water Limited. Rooney Group requested a 10 day time extension but noted that it could manage with a 5 day extension.

The application for extension of time is supported by the Council

Our appointment

On 4 August 2023 we, A C Hughes-Johnson KC and R Day-Cleavin, were appointed as commissioners to make a decision on the application for extension of time for the filing of further submissions. Consideration has been given to the application and this decision follows.

2. **Statutory framework**

The time limiting provision

The original statutory provision which controlled the time for making further submissions is clause 7 of the First Schedule to the Resource Management Act 1991 ("the Act") which states

(1) A local authority must give public notice of –

- (a) *the availability of a summary of decisions requested by persons making submissions on a proposed policy statement or plan; and*
- (b) *where the summary of decisions and the submissions can be inspected; and*
- (c) *the fact that no later than 10 working days after the day on which this public notice is given, the person described in clause 8(1) may make a further submission on the proposed policy statement or plan; and*
- (d) *the date of the last day for making further submissions (as calculated under paragraph (c) ...*

Extension of time/jurisdictional provisions

The jurisdiction to decide whether to extend time is provided for under s37 and s37A of the Act.

S37(I) of the Act states.....

37 Power of waiver and extension of time limits

- (i) *A consent authority or local authority may, in any particular case,-*
 - (a) *extend a time period specified in this Act or in regulations, whether or not the time period has expired; or*
 - (b) *waive a failure to comply with a requirement under this Act, regulations, or a plan for the time or method of service of documents.*

Then S37A of the Act then sets out the requirements for waivers and extensions as follows ...

37A Requirements for Waivers and Extensions

- (1) *A consent authority or local authority must not extend a time limit or waive compliance with a time limit, a method of service or the service of a document in accordance with section 37 unless it has taken into account-*
 - (a) *the interests of any person who, in its opinion, may be directly affected by the extension or waiver, and*
 - (b) *the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement or plan; and*
 - (c) *its duty under section 21 to avoid unreasonable delay.*
- (2) *A time period may be extended under section 37 for-*
 - (a) *a time not exceeding twice the maximum time period specified in this Act; or*

(b) a time exceeding twice the maximum time period specified in this Act if the applicant or requiring authority requests or agrees.

The matters which must be taken into account in exercising the jurisdiction under s37 of the Act are clearly identified in s37A of the Act and we have been guided by these requirements in making this decision.

3. ***Our consideration of the application for extension of time***

Relevant considerations

We comment upon the criteria for granting an extension of time :-

(i) ***Interests of persons who may be directly affected by the extension of time***

The interests of submitters who require further time require consideration as do the interests of other submitters who would be affected by the receipt of the further submissions .

The granting of an extension in this case will give rise to the ability of those persons with an interest in making further submissions and who desire further time to make further submissions to act accordingly. We do not consider that other persons are likely to be directly affected by the extension of time to any material degree.

(ii) ***The interest of the community in achieving adequate assessment of the effects of the Proposed Plan***

The community has an interest in ensuring that the matters raised in further submissions are able to be considered in order to ensure that a full assessment of the effects of the Proposed Plan can take place. The granting of an extension in this case will provide a proper opportunity for a full assessment to take place.

(iii) ***Duty under s21 of the Act to avoid unreasonable delay***

Given that a limited extension of 5 working days is contemplated, we find that the granting of an extension of this

case will not result in any material delay in the planning process.

(iv) ***The principles of natural justice***

The principles of natural justice centre around the requirement for planning processes to be conducted fairly to all parties. We have carefully considered the interests of parties who could be affected by the granting of the extension of time in reaching our decision.

Summary of reasons for request for extension of time

The reasons for the request for extension of time may be summarised as follows:-

- (i) the significant volume of submissions that require to be reviewed by submitters wishing to make further submissions;
- (ii) the constraints associated with the shortness of the original timeframe;
- (iii) the need to ensure full participation of the public in the planning process;
- (iv) the need to ensure that an appropriate standard of evaluation of issues relating to the Proposed Plan is carried out.

Taking all relevant matters into account, we have determined that it is appropriate for the time for making further submissions on the Proposed Plan be extended until 5pm on 11 August 2023.

We are of the view that this extension should enable any submitters who have had difficulty in meeting the existing timeframe to be accorded a proper opportunity to consider, prepare and lodge any further submission within the extended time period.

4. ***Conclusion***

For the reasons set out above we extend the time for making further submissions until 5pm on Friday 11 August 2023.

We direct that notice of the extension should be given to the submitters who have sought extensions of time. Further this decision is to be published on the Council's website and is to be the subject of public notification.

DATED this 4th day of August 2023



**A C HUGHES-JOHNSON KC (AS CHAIR ON
BEHALF OF THE COMMISSIONERS)**