

IN THE MATTER OF the Resource Management Act 1991
AND
IN THE MATTER OF Vaco Investments (Waipu Project)
 Ltd – Subdivision, land use and
 discharge consents – 47 Millbrook
 Road, Waipu, Pt Lot 1 DP 44163 NA
 26A/257

RESOURCE MANAGEMENT ACT 1991

DIRECTION #3

HEARING PANEL

PURPOSE

1. The purpose of Direction #3 is to consider the applicant’s request for a s.37 RMA extension of time limits.


BACKGROUND

2. In response to the Hearing Panel’s Direction #2, the applicant’s agent Karen McDonnell, by email dated 8 April 2024, has formally sought a s.37 RMA extension of time to review aspects of its applications following receipt of submissions and the s.42A hearing report.
3. Ms McDonnell noted the following intentions:
 - redesign the proposal to be of a lesser scale, including the activities proposed and the transport and access solutions for the site;
 - seek further feedback from NZTA - Waka Kotahi on the revised proposal, with a view to obtaining agreement to the access of SH1; and
 - as part of the redesign of the proposal, some elements of the project will also require reassessment by specialist consultants.
4. The applicant has also agreed to provide an update with an initial progress report at 6 weeks, that being 20th May 2024, and an additional update 6 weeks following that if required.
5. Section 37 permits an extension of time after taking into account the following:
 - (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.*

6. The Hearing Panel understands that the councils support the granting of a s37 extension.
7. The Hearing Panel agrees that the reasons provided for seeking this s.37 extension are appropriate in light of the complexity of the issues raised by parties, the applicant's seeming willingness to address those further, and that it will likely assist in narrowing the matters in dispute and therefore enable a more efficient hearing. We are satisfied that the relatively short extension in time sought is consistent with the matters that we are required to take into account.
8. However, we note that this is not an open-ended extension. Should any extension beyond the present indicated period subsequently be sought, that will be a matter given very close consideration in light of the number of parties who have indicated an interest in these applications and who have a reasonable expectation that this matter will be determined without undue delay.

DIRECTIONS

9. The Hearing Panel makes the following directions:
 - (a) The s.37 RMA extension sought is granted.
 - (b) The applicant is to provide a written progress update (**the update**) no later than 20 May 2024.
 - (c) The update is also to:
 - i) provide a clear indication as to when any revision to the notified application will be lodged and be available to parties; and
 - ii) signal whether expert conferencing is likely to assist in further narrowing the technical matters to be heard – and, if so, on which topics.
 - (d) Following receipt of that update, parties will be advised of any new timetable for supplementary reports, evidence exchange, submissions and hearing once those have been determined.
10. Under s.37A(6) all parties are to be advised of this Direction.
11. Any queries or correspondence related to this Direction should be sent through to the Hearing Coordinator, at consentsadmin@wdc.govt.nz.



David Hill (Chairperson)
Hearing Panel

9 April 2024