

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 #2

HEARING PANEL

PURPOSE

1. The purpose of Direction #2 is to respond to the applicant’s 2 April 2024 email request to suspend processing and the scheduled hearing.

BACKGROUND

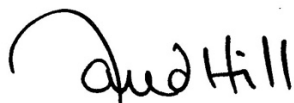
2. By email dated 2 April 2024, Karen McDonnell (planning agent for Vaco Investments (Waipu Project) Ltd (*the applicant*)), has requested the suspension of the processing and scheduled hearing of the joint applications to Whangarei District and Northland Regional Councils under s.91A RMA.
3. Ms McDonnell indicated that the applicant would advise further once it had “ ... *fully digested the S42A report, the submissions and considered further the proposed application in light of the report’s recommendations.*”
4. S.91A RMA directs that processing must be suspended if requested by an applicant unless under subsection 3(c):

a total of 130 or more working days have been excluded from time limits under section 88B in relation to the application (which, under section 88E(8), includes time during which the application has been suspended).
5. Any request for suspension must be received before the end of those 130 days.
6. Advice received from NRC on this matter is that more than 130 working days have elapsed under s.88, involving:
 - s.36 suspension for payment of minimum fee from 1 May 2023 to 5 May 2023 (4 days); and
 - s.92 suspension sent on 5 May 2023, which was completed 30 November 2023 (152 days).
7. Advice received from WDC on this matter is that:

- Application Received and s88 check done: 31/03/2023 (clock not started).
 - Payment Received – clock started: 11/04/2023.
 - From 11/04/2023 to 5/05/2023 (17 days).
 - s92 suspension sent on 5 May 2023 which was completed 30 November 2023 (146 days).
8. The 2 April 2024 request is therefore made out-of-time.
9. Of course under s.37 the applicant could request a waiver / extension of time, taking into account the matters stated in s.37A(1). At this point it has not done so.

DIRECTIONS

10. The Panel makes the following directions:
- (a) The hearing set down for Monday, 22 April 2024 through Wednesday, 24 April 2024 at Whangarei District Council, 9 Rust Avenue, Whangarei commencing at 9.00am each day is suspended until further notice.
 - (b) The processing of the applications is suspended with effect 12pm, Wednesday 3 April 2024.
 - (c) The applicant is to advise in writing by no later than 4pm, Monday 8 April 2024 whether it seeks a s.37 extension of time – and if so on what grounds – and the date by or on which either additional information or a progress report will be provided.
 - (d) If the applicant seeks an extension under (c) above, and if that is granted, parties will be advised of a new timetable for supplementary reports, evidence exchange, submissions and hearing once those have been determined.
 - (e) The timetable set out in clause 4 of Direction #1 is vacated.
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

3 April 2024