

## Section 37 and 37A(4) & (5) of the Resource Management Act 1991 Extension of Time Limits Imposed on a Local Authority for Resource Consent Applications

<b>Application Number:</b>	RM100848, RM100872-879
<b>Applicant:</b>	Adcock & Donaldson Properties Ltd

**Which type of time extension is being considered?**

- Section 37A(5): Time extension *exceeding twice the maximum* time period specified in the Act and the applicant has agreed

**For which part of the consent process are time periods being extended?** *(tick as many boxes as are appropriate)*

- Acceptance or return of application  
 Notification of application  
 Holding a hearing  
 Issuing a decision (applicable for both notified and non-notified consents)  
 Other (state):

**Circumstances for why an extension of time limits should be extended:** *(tick as many boxes as are appropriate)*

- To enable a full assessment of a large and/or complex application to be made  
 To enable specialist expert assessment of the application to be made  
 To enable a formal pre-hearing meeting to be held  
 To allow the applicant time to discuss matters of concern with submitters  
 To allow extended deliberation on a decision because of the complex nature of the application and evidence  
 Other (state):

**How many working days does the extension apply for?**

208 days, to 27 February 2012 if required, subject to the applicant confirming by Monday 7 November 2011 that the applications can proceed to hearing.

**Who may be directly affected by the extension?** *(tick as many boxes as are appropriate)*

- Applicant  
 Submitters  
 Others (state):

**What are the interests of those persons identified as being directly affected by the extension of time, and are those interests unduly compromised by the extension?**

The applicant has requested an extension of time to secure the access to the site of the proposed motorsport park, the land over which the public access would occur is currently being held by the Government in a "land bank" pending settlement of Iwi claims relating to the Treaty of Waitangi. While I consider that this issue should have been evident to the applicant prior to the application being publicly notified, the matter of access is critical to the proposal and I accept that it is preferable to allow some time for the applicant to try to resolve the matter. However, I do not accept that the time extension should be open ended (as was originally requested). Council has been advised that there is an agreed intent for the treaty claim settlement negotiations to be concluded by 31 July 2010. I am prepared to allow a three month period from that date for the applicant to try to resolve the access matter, then to advise Council whether the application can proceed to a hearing by 7 November 2010.

There are 257 submissions received on the applications. Council staff have made a preliminary scan of those submissions, and it is clear that there are several important issues raised and some strong opposition

expressed to the proposal, including from some neighbouring landowners. Indications are that a hearing of the applications will be required, regardless of whether the access matter is resolved. Allowing a deferment of the hearing may give the impression of leaving some submitters in limbo, however I consider that setting a finite time extension subject to adequate advance warning of when the hearing will be held, will address those concerns.

**Is an extension of time in the interests of the community for achieving adequate assessment of the effects of the proposal?**

Yes       No      State Reasons: To confirm the proposed access route.

**Will unreasonable delay be avoided?**

Yes       No      State Reasons:

I have weighed up the need for the applicant to confirm the access route, against the duty stated in Section 21 of the RMA to avoid unreasonable delay – that is, to process applications “as promptly as is reasonable in the circumstances”. It is clear that the resource consent application process should not be allowed to drift and leave other parties in limbo for too long. On balance, I consider that the extension of time of effectively about 10 months is reasonable given the circumstances summarised above.

The applicant is advised that if they have not reached a position on which they can proceed to hearing by 7 November 2011, they should consider withdrawing the applications, and effectively start the process again at a later date when the land access issue is resolved – otherwise Council may well be obliged to proceed to a hearing regardless, at the applicant’s expense. The applicant should not assume that a further extension of time will be allowed if nothing is resolved regarding the access route as at 7 November 2011.

**Determination:**

That for the above reasons an **extension** of the time limit for holding a hearing is hereby **applied** pursuant to Sections 37 and 37A of the Resource Management Act 1991.

*Phil Doole*

**Phil Doole, Resource Consents Manager**  
Per delegated authority from Tasman District Council

