

From: Alastair Jewell
Sent: Tuesday, 8 March 2022 5:28 pm
To: Sally Gepp
Cc: Bernsdorf Solly, Susi
Subject: Suspension of RC processing from 7 March, processing restarts 11 June - CJ Industries Ltd, Peach Island- RMA sections 91A, 91B, 37, 37A - my ref RM200488

Dear Sally,

I refer to your email 7 March 2022 and our subsequent discussion about your request to suspend the processing of your client's resource consent application, with a proposed restart of 4 June 2022 with (indicative) provision of applicant evidence for the subsequent hearing on 11 June 2022.

The Council accepts your request to suspend the processing of the application under [s91A of the RMA](#) on that date.

Under s91A an applicant has the balance of 130 working days less other days processing was suspended (see sections 91A(3)(c) and [88B](#)). Our records show a [request for more information \(section 92\)](#) on 3 July 2020 and [response](#) dated 10 June 2021.

I have exercised delegated authority under [section 37](#) to extend the 130 working day time period for section 91A, after taking into account the matters under [section 37A](#), including the following specifics:

- The interests of the community in achieving adequate assessment in the decision making process, through the provision of substantive evidence and assessments pre-circulated before any hearing.
- The absence of unreasonable delay, insofar as the timescale is proportionate to the assessments, commensurate with the reporting planner's non-availability, and in reality likely 'front ends' the matter to pre-circulation before the hearing, rather than the potential of an adjournment during the hearing process. This latter point also lends itself to a potentially more efficient and effective hearing for all parties in presenting their evidence for the benefit of the decision maker.
- The interests of the parties are not prejudiced, noting the extension is at the request of the applicant, the limited extension involved, the likely avoidance or reduction of subsequent adjournments during the hearing process noted above, and the opportunities for submitters to have the chance to view and respond to the further evidence and assessment obtained before the start of any hearing process.

With any suspension, [section 91B](#) applies to the restart. For the purposes of that section I have taken the 11 June date (cf 4 June) as the s91B(1)(a) applicant restart request as the s91A / 91B renders the five working day gap between s42A and applicant evidence 'theoretical'. This email also serves as the consent authority's notice to the applicant (in advance) of the date the suspension ceased (s 91B(4)).

I note that I have consulted with Commissioner Welsh, and as necessary, depending on any new evidence or assessments that may be put forward by the applicant, the Commissioner may exercise his powers to make direction to change the s103B protocols. For instance, as the section 42A report has been provided, the Commissioner may consider it appropriate for the Council's reporting team to provide supplementary written comment on recommendations and / or assessment in light of any significant new evidence or assessments. Any such matter will be subject to a separate direction from Commissioner Welsh. Further, we anticipate a hearing in the first two weeks of August (which also influences the 11 June restart date cf 4 June date). Details are being worked through currently.

Contact me if you have questions about the above.

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Alastair Jewell
Principal Planner - Resource Consents