

S37 Decision Checklist: Extension of time Period

Sections 37, Resource Management Act 1991

Application Number: U190438_____

Applicant: The New Zealand King Salmon Company Limited

Step 1

1. Is the extension/waiver for the purpose of providing more time for a pre-request aquaculture agreement to be negotiated under 186ZM of the fisheries Act 1996? [Section 37(1A) and 186ZM]

Yes

Extension cannot be granted Inform Applicant

No

2. Please describe the circumstances of the extension:

An extension is required for a time period specified in the Act, or in the regulations (whether or not the time period has expired)

A person has been required to provide information under the Act, regulations or a plan and the information is inaccurate.

A person has been required to provide information under the Act, regulations or a plan and the information is omitted.

A person has been required to provide information under the Act, regulations or a plan and the information was provided with a procedural requirement omitted.

3. Time Periods

<p>Prescribed Time Period for Task: Section/Clause:103A(3) Working Days: 75 Current Due Date for completion: 24/4/2020</p>
<p>Maximum Time Period for Task: Not exceeding twice prescribed period <i>(twice the prescribed period)</i></p>
<p>Total days to be excluded from Time Period: ___0 <i>(Note only tasks prescribed in s95, 87F(3), s101(2), s103A, s115(3) and s115(4)) of the RMA have provision for exclusion periods).</i></p>
<p>Date of Maximum Time Period in this application: ___24 April 2020_____</p> <p><i>(Calculated from date of lodgement by Prescribed Maximum Time Period – excluded number of days)</i></p>
<p>Extension period sought: timeframe to complete hearing Number of working days: ___150_____</p> <p>Due Date if granted: 11 August 2020 (Note: given that the date for hearing has yet to be set it is possible that a s 37A(5) will need to be applied at a later date.</p>

4. Please give details of Failure (including requirement, the responsible parties and the action or inaction to date).

The applicant has requested the hearing be postponed to an unspecified date like to be mid-2020. The reason for the postponement was explained in a phone call to Emma Deason and a conversation to Quentin Davies of Gascoigne Wicks. Specifically the applicant is waiting on Cawthron to produce technical evidence for the hearing but to date the timeframe for the production of the evidence is unknown. The evidence anticipated is intended to form part of the pre-hearing meetings planned for the expert witnesses

for the applicant and Council. It only once the date for the provision of the evidence is known can the pre-hearing meetings be planned and the hearing scheduled. The proposed large scale marine farm in the Outer Sounds is a new format for aquaculture in Marlborough and New Zealand. The application is a matter of both scale and complexity and s 37A (4)(b)(i) applies. The information to be produced by Cawthron is a critical component of the case for the applicant and it is appropriate to postpone the hearing for this reason.

Step 2 (For persons outside of Council)

5. Does the extension relate to an action required by Council to complete?

Yes

Proceed to Step 3

No

Continue with question 6

6. Please give details as to the following matters you have taken into account in making your request to waive this requirement:

The interests of the following persons who may be directly affected by the extension have been taken into account:

Person's Name: see the schedule of submissions appended to this report.

How affected by extension? A delay to the setting of the hearing and as a consequence a delay to the outcome of the application.

Is the extension reasonable? Yes, it is at the request of the applicant pursuant to RMA s37A(4)(b)(i) and there is no indication of an adverse effect to the persons affected by the waiver. Further the parties to the hearing will benefit by allowing the applicant to present a more technically comprehensive case at hearing and furthermore the experts will be better informed when reaching their viewpoints.

The interests of the community in achieving adequate assessment of the effects of the proposal have been taken into account:

No The extension may not be granted. Proceed to Step 4 Decision

Step 3 (For persons within Council)

9. Please give details as to the following matters you have taken into account in making your request to waive this requirement:

The interests of the following persons who may be directly affected by the extension have been taken into account:

Person's Name:
How affected by extension?
Is the extension reasonable?

The interests of the community in achieving adequate assessment of the effects of the proposal have been taken into account:

<i>Explain assessment:</i>

Granting a waiver is compatible with Council's duty to avoid unreasonable delay?

Explain Assessment:

10. Is the extension sought equal or less than twice the maximum time period specified in the RMA?

Yes (Continue with question 11)

No – It exceeds twice the maximum time period specified. Continue to question 13

11. Does the applicant agree to the extension?

Yes The extension may be granted. Proceed to Step 4 Decision

Please give details of agreement received (including when and how it was received).

No Proceed with question 12

12. Are there special circumstances?

N/A

Yes The extension may be granted. Proceed to Step 4 Decision

Please describe the special circumstances:

No The extension cannot be granted. Proceed to Step 4 Decision.

13. Does the applicant agree to the extension?

Yes The extension may be granted. Proceed to Step 4 Decision

Please give details of agreement received (including when and how it was received).

No The extension cannot be granted. Proceed to Step 4 Decision.

Ste 4: Decision

14. It is hereby decided, for the reasons given above, that (please select from drop box):

The extension will be granted as follows and the applicant and all affected persons identified in point 6 have been notified of the extension.

Task: Extend the date for the completion of the hearing to 12 August 2020. Send S37A notice to the parties to hearing . Complete Procon database – tracking, and s37 fields

Due date: N/A

Notification List:

Name	Email/ Postal Address	Notification Sent
Applicant	both	Letter sent with amended hearing notice
Submitter	Both	Letter sent with amended hearing notice
Hearing panel	email	Letter sent with amended hearing notice
Reporting Officer	email	Letter sent with amended hearing notice

The extension will not be granted.

The extension will not be granted and the existing time frames will remain in place because.....



Hearing Facilitator
Acting under delegated authority

28 / 02 / 2020

Date



Advocacy and Practice Integration Manager
Acting under delegated authority

27/02/2020

Date

Record No: