

# Report on Waiver or Extension of Time Limits

Applicant: **Energy Bay Limited**  
Application: **202.2022.136.1 - Establishment and operation of a solar farm**  
Location: **410 Managamaire Road, Pahiatua**  
Legal Description: **SUBDIVISION 13 SECT 8 BLK XIV MANGAHAO SD (WN229/202), LOT 1 DP 392402 (370429), LOT 2 DP 392402 (370430), PT SECTION 150 BLK XIV MANGAHAO SD (WN25D/915), SECTION 139 BLK XIV MANGAHAO SD (WN38B/55) AND SECTION 140 BLK XIV MANGAO SD (WN38B/53)**

## Introduction

The purpose of this report is to consider an extension of time limits, in accordance with Section 37 and Section 37A of the Resource Management Act 1991 (RMA) for a decision and notification decision to be made on the above application.

## 1. Time Limits

The application was lodged with the Tararua District Council (TDC) on 3 October 2022. The consent was put on hold on 10 November 2022 under s92 to request further information. This request was responded to on 20 February 2023 and was considered satisfactory. The consent was then notified, on a limited basis, on 1 May 2023 with 7 submissions received prior to the closing date of 29 May 2023. A hearing has been arranged to be held on 31 August 2023.

Two sets of timeframes are applicable here

1. The timeframes for making a decision on notification; and
2. The timeframes for which a hearing must be held within, for a limited notified application.

With regard to the first timeframe, the consent was formally notified on a limited basis, 68 days after lodgement. An exceedance of 48 days over the timeframes set out in s95(2)(b) of the Act, of 20 working days.

The reason for extension to the processing timeframe is due the limited resources of Tararua District Council. Whilst it uses consultants to assist with processing of consents, obtaining suitable consultants can be time consuming. TDC usually uses MDA for acoustic reviews and in this instance had to go elsewhere. TDC often uses Evergreen Consulting for consent processing and Wayfinder for landscape reviews; however, in this instance the application was lodged at a particularly busy time for both Wayfinder and Evergreen resulting in delays. In addition, the Hawkes Bay floods cause further delay for Wayfinder and TDC itself, which was operating under a state of emergency for some time.

With regards to the second timeframe s103A(3) states that a hearing must be completed no later than 45 days after the closing date for submissions on the application. On 21 June 2023, TDC received a request from the applicant to suspend the processing of the application under RMA section 91A. This suspension is in place until the hearing date on 31 August 2023, with the section 42A report due to be circulated on 9 August 2023. It is considered that this set of timeframes will be met and no additional s37 extension is required.

## 2. Reasons for Extending Time Limits

A timeframe extension was granted for this consent pursuant to Section 37A(2) of the Resource Management Act (1991) with the agreement of the applicant to allow TDC sufficient time to review the consent and make its decision on notification as detailed above in section 1.

### 3. Duration of Extension

Extension of 48 working days until 1 May 2023 to undertake limited notification of the consent.

### 4. Will the interests of any person who may be directly affected by the extension be affected?

Persons considered directly affected by the extension of time include:

**Energy Bay Limited** The effects on these persons include:

- Delay to timely decision-making.

### 5. Will the interests of any community in achieving adequate assessment of the effects of the proposal be affected by the extension?

No.

### 6. Will unreasonable delay be avoided?

Yes.

### Recommendation

Pursuant to Sections 37 and 37A of the Resource Management Act 1991, and for the reasons stated in this report, an extension of the time limit for making a notification decision on resource consent application 202.2022.136.1 is extended by 48 working days to 1 May 2023.

Reported and recommended by:



Andrew Bashford  
**Consultant Planner**

**Decision:** Granted

Dated this 15<sup>th</sup> day of June 2023



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Aimee Charmley  
**Team Leader – Planning Services**