



## ***Determination - Section 37 of the Resource Management Act 1991***

<b>Site Address:</b>	611 Rangitikei Line
<b>Legal Description:</b>	Lot 1 DP 389924, Lot 2 DP 389924, Part Section 553 Town of Palmerston North, Lot 14 DP 40933
<b>Proposal:</b>	Proposed Whiskey Creek residential area private plan change I to rezone land at 611 Rangitikei Line.

Section 37 of the Resource Management Act 1991 (the Act) allows for local authorities to waive a failure to comply with a requirement under the Act. This file note records the decision by the Palmerston North City Council (the Council) to waive the time frame in which to formally notify the date of the hearing for the Whiskey Creek Plan Change application I .

### ***Statutory Requirements***

When considering waiving compliance with a time limit, the local authority must take into account the following matters (s37A(1)):

- (a) The interests of any person who, in its opinion, may be directly affected by the extension; and
- (b) The interests of the community in achieving adequate assessment of the effects of any proposal; and
- (c) Its duty under section 21 to avoid unreasonable delay.

Section 37A(6) provides that a local authority must ensure every person who is directly affected by the waiver of compliance with a time limit, is notified of the waiver.

### ***Assessment***

A Notice of Hearing was issued by the Council on 19 May 2022. In order to comply with the timeframes provided in clause 8B of the First Schedule of the Act, this should have been issued on 18 May 2022.

The dates proposed for the hearing were previously advised by the Panel in Minute 1 issued on 14 April 2022. The dates proposed have not changed. It is considered there is no hardship caused by the failure to comply with the timeframes.



The parties considered to be affected by this waiver are the applicant and those who have submitted to the proposed plan change. Given that the hearing date had previously been advised, and the notice of hearing was less than 24 hours out of time, it is considered that prejudice to those parties caused by this waiver will be negligible. These parties will be notified of this decision in accordance with s37(6).

It is determined that compliance with the time limit is waived in accordance with s37(1)(b).

In making this decision the matters under sections 37A(1)(a) to 37A(1)(c) have been considered. The waiver is acceptable with respect to these matters.

### **Decision**

Compliance with the time limit under clause 8B of the First Schedule of the Act with respect to notifying the date of the hearing is waived. The issue of the Notice of Hearing on 19 May 2022 is valid.

This decision is made by Hannah White, Democracy and Governance Manager, under clause 233 Delegations Manual for and on behalf of Palmerston North City Council.

A handwritten signature in black ink, appearing to read 'Hannah White', is positioned above the printed name.

Hannah White  
**Democracy and Governance Manager**  
**Palmerston North City Council**  
25 May 2022