

## APPENDIX 2 - Section 37 and 37A of the Resource Management Act 1991

### Report on Waiver of Time Limits for submission on Plan Change 1 – Dark Skies

<b>Reference</b>	360/40/3/1
<b>Title</b>	Plan Change 1 – Dark Skies
<b>Description of proposal</b>	Proposed Plan Change 1 – Dark Skies seeks to introduce additional lighting provisions to the District Plan that relate specifically to Stewart Island / Rakiura only.  For clarification, the proposed Plan Change does not apply to any surrounding offshore Islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island.
<b>DESCRIPTION OF PROPOSED ACTIVITY/TIMEFRAME FOR WHICH A WAIVER IS SOUGHT</b>	
A waiver to file a submission by the closing date of Monday 7 <sup>th</sup> October 2019 to enable receipt of a late submission from Kensington Swan on behalf of Airways Corporation of New Zealand Limited.	
<b>REASONS WHY A WAIVER OF THE TIME LIMITS SPECIFIED IN THE ACT SHOULD BE APPROVED:</b>	
The submission was received on 9 <sup>th</sup> October 2019, two days after the closing date of 7 <sup>th</sup> October 2019. It is considered that being late by two days is not a sufficient length of time to warrant exclusion from the decision making process. More specifically given the content of the letter is material to the decision making process it is considered that the submission should be received regardless of lateness.	
<b>WILL THE INTERESTS OF ANY PERSON WHO MAY BE DIRECTLY AFFECTED BY THE WAIVER BE AFFECTED?</b>	
It is considered that the interests of any person who may be directly affected by the waiver will not be affected.	
<b>WILL THE INTERESTS OF ANY COMMUNITY IN ACHIEVING ADEQUATE ASSESSMENT OF THE EFFECTS OF THE PROPOSAL BE AFFECTED BY THE WAIVER?</b>	
It is considered that the interests of any community in achieving adequate assessment of the effects of the proposal will not be affected by the waiver.	
<b>WILL UNREASONABLE DELAY BE AVOIDED</b>	
It is considered that unreasonable delay will be avoided in this instance.	
<b>Recommendation:</b>	That for the above reasons a waiver is implemented pursuant to Sections 37 and 37A of the Resource Management Act 1991.

Reported and recommended by:		
	<b>Margaret Ferguson</b> Resource Management Policy Planner	Date: 16 October 2019
Decision:	<b>That the above recommendation be adopted</b>	
Delegated Officer		
(Authorised Waiver/Extension)	<b>Marcus Roy</b> Team Leader – Resource Management	Date:16 October 2019