

Commissioner Minute

25 March 2025

Applications RC245428 / RC245429 – Southern Screenworks

Receipt of Late Submissions

1. I have been appointed by Selwyn District Council as Commissioner to determine applications RC245428 and RC245429, by Southern Screenworks Limited.
2. Submissions on the applications closed on Wednesday 15th January 2025 at 4.30pm. Two late submissions were received after the closing date as follows:
 - NZ Transport Agency Waka Kotahi (NZTA) received on Wednesday 22nd January 2025 at 2:55pm
 - B R & J K Voice Trustees Limited, Benjamin Robert Voice, Julie Kaye Voice - 137 Bealey Road received Friday 17th January at 4:50pm.
3. Section 37(1)(b) of the Resource Management Act 1991 provides that a consent authority may, in any particular case *“waive a failure to comply with a requirement under this Act, regulations, or a plan for the time or method of service of documents.”*
4. Under Section 37A(1) a consent authority must not waive compliance with a time limit unless it has to taken into account:
 - a) *the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and*
 - b) *the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and*
 - c) *its duty under section 21 to avoid unreasonable delay.*
5. I have considered whether a waiver of time limit should be applied to the two late submissions. Both submissions raise issues of dust and amenity effects that are already raised by other submitters, although I note that the NZTA submission has a slightly different focus being dust effects on roads rather than private properties.
6. I consider that these are all issues that will need to be addressed at a hearing – and I don’t consider that the submissions raise any new matters that the applicant would not already need to address. Accordingly, I consider that accepting the submissions would be consistent with the matters to take into account under s37A, in that:
 - The interests of the applicant will not be adversely affected by the waiver of time; and
 - The interests of the community in achieving an adequate assessment of the effects of the proposal would be better met by accepting the submissions.
7. I therefore determine that the submissions be accepted.



Graham Taylor
Commissioner
25 March 2025