

Extension of timeframes under s37 of the Resource Management Act 1991

APPLICATION NO:	Environment Canterbury applications – CRC214073 CRC214074 CRC214075 CRC14076 CRC214077 Waimakariri District Council application – RC215276
APPLICANT NAME:	Woodstock Quarries Limited
DATE OF REQUEST:	8 December 2022

Section 37A Requirements for waivers and extensions

Section 37A(1) of the Resource Management Act 1991 (RMA) states:

A consent authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document in accordance with section 37 unless it has 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.**

Section 37A(4) of the RMA states:

A consent authority may extend a time period under [section 37](#) only if—

- (a) the time period as extended does not exceed twice the maximum period specified in this Act and**
- (b) either-**
 - (i) special circumstances apply (including special circumstances existing by scale or complexity of the matter); or**
 - (ii) the applicant agrees to the extension; and**
- (c) the authority has taken into account the matters specified in subsection (1).**

Background

Woodstock Quarries Limited has applied to Environment Canterbury and Waimakariri District Council for resource consents to expand an existing hard rock quarry and to establish and operate new solid waste management and disposal facility for the disposal of construction and demolition waste, contaminated soils and special wastes at 513 Trig Road, View Hill, legally described as LOT 1 DP 481768.

The applications were publicly notified jointly on Saturday, 12 November 2022 in The Press and Northern Outlook newspapers. 15 persons were identified as affected parties and specifically notified. The submission closing date is Friday 9 December 2022. A hearing is required to be completed by 20 April 2023 with a hearing to be held late March 2023.

To date approximately 70 submissions have been received.

Request for Extension of Timeframe

A request has been received from Amee Lewis, on behalf of the greater Oxford Community and the community group to extend the submission closing date to 9 February 2023 (thus allowing for the Christmas/New Year Period) for the following reasons:

"We have high concerns that the population of Oxford was relatively unaware of this application, there is a high population on older residents who are not internet savvy and not able to access important documents (and those of being of significant scientific content).

We have an emergency town meeting tomorrow and a meeting with MP Matt Doocey (16th Dec) - we wish to be given the time to examine the facts and enable the community to make an informed decision.

There are multiple concerns: being the putting of highly soluble agrichemicals and asbestos near a water source of the community, the degradation of the ecology (flora and fauna), mitigation measures for health, safety and wellbeing of residents (potential leeching), impact on roads, residents house prices, noise, pollution, high chemical fire-risk, deforestation and emissions impact, school bus route, recreational use, cultural impact, the destruction of New Zealand's Clean Green Image in the media etc. and many more.

We wish to be in receipt of all Environmental and Social Impact Assessments and have the time to consult with each other, parliamentary (national and green party members) and environmental and iwi leaders (Ngai Tahu and Tront) concerning the proposal, risk etc".

A further subsequent request was received from Emma Dangerfield, on behalf of the Office of Matt Doocey MP, to extend the submission closing date by a further grace period of two months, based on the following reasons:

"I am writing on behalf of constituents in Oxford who have approached me raising concerns about the Woodstock Quarry consent submission process.

They are concerned the timeframe is not long enough to adequately submit, with many not knowing about it until this week.

In writing I ask whether any consideration could be made to extending the submission process to allow for more robust community input.

There are a number of elderly residents who would like the opportunity to submit but are not online and therefore unable to meet Friday's deadline.

In addition, public interest in this proposal is extremely high, with 70 residents attending a community board meeting last night in response.

I would like to support the submission calling for a grace period of two months to allow for conversations to be had, take into account the busy Christmas period, and allow for a thorough community consultation process".

Consideration of Section 37A(1) of the RMA

<input checked="" type="checkbox"/>	<p>Whether any persons will be directly affected by the extension or waiver</p>	<p>It has been considered whether any parties will be affected by the extension.</p> <p>The timeframe extension may disadvantage the applicant (by providing longer for potential submitters to formulate a submission).</p> <p>The timeframe extension would disadvantage the applicant (by providing longer for potential submitters to formulate a submission). The applicant has been contacted and he did not raise any objections as such. However, the applicant expressed his preference that an extension only be granted for those submitters that wished for an extension (essentially allowing Ms Lewis to provide a late submission), and that the submissions timeframe still closes on Friday, 9 December 2022. This is to ensure that the hearing date set for late March 2023, which the applicant would like to keep, is not compromised. However, the applicant also understands that a decision may be made to extend the submission timeframe in general, not only for those persons that have requested the extension. In any case, the applicant would like to see the submissions close on 19 December 2022 so that any final submissions received a couple of working days before ECan closes for the year to avoid any delays on the scheduled hearing date.</p> <p>It is considered that extending the timeframe for submissions would not necessarily result in a delayed hearing date from when has been provisionally planned for, i.e., late March, and that an extended timeframe until 22 December 2022 is considered fair and reasonable.</p>
<input checked="" type="checkbox"/>	<p>The interests of the community in achieving adequate assessment of effects</p>	<p>At the time of notification, it was considered that the 20-day submission timeframe was adequate time for parties in the community to review the applications and, if desired, formulate an appropriate submission.</p> <p>A member of Parliament and the community has since identified the community requires more time to assess the effects of the proposal as they were unaware of the proposal until later in the submission period and that there are a number of elderly residents who would like the opportunity to submit but are not online, and therefore</p>

		<p>unable to meet the submission deadline of 9 December 2022.</p> <p>Due to the large number of technical reports submitted with the application and further information request responses, it is considered the application is of a large scale and does have relatively great level of complexity.</p> <p>Both councils recognise that the average person may not have the expertise to understand some of the technical and engineering aspects of the application. However, expert support on technical matters for a submission is not necessarily required at submission stage to develop a detailed assessment of a similar scale for an opinion to be formed. However, both councils acknowledge that people may want to seek advice on technical matters, and that an extension until close of business day on 22 December 2022 provides a further opportunity to enable this to be completed to a level that a submission can be made. All submitters will be able to provide more detailed assessments that are supported by technical expert opinions as part of their hearing evidence, which would not be due until mid-March.</p> <p>Overall, extending the timeframe for submissions would potentially allow for the community to provide higher quality submissions as they will be able to be more informed about the proposal.</p>
<input checked="" type="checkbox"/>	The Council's duty under s21 to avoid unreasonable delay	<p>The application was lodged in April 2021. It is considered that a relatively short extension of timeframe for the submission period would not cause an overall unreasonable delay.</p>

Timeframe Extension Type

- ☒ s37A(4)(b)(i) Special circumstances (< double timeframes, i.e., less than 40 days)
- ☐ s37A(4)(b)(ii) Applicant agrees to extension (< double timeframes, i.e., less than 40 days)
- ☐ s37A(5) Applicant agrees to extension (> double timeframes, i.e., more than 40 days)

Reason:

Given the scale and complexity of the proposal and the large number of technical reports submitted with the application and further information request responses, it is considered that special circumstances exist that warrant the extension of the submission timeframe. Extending the timeframe would enable the submitters to thoroughly review the application

documentation. It is envisaged that this extension will not delay the planned hearing timeframe.

Both councils have the ability to extend the time limit for all submissions under the Section 37, where it does extend timeframes it must consider those matters in Section 37A(1). The matters specified in s37A(1) have been considered above.

The above considerations that Council needs to consider focus on natural justice and due process matters pertaining to resource management processes, including the rights and interests of participants in those processes.

Decision

THAT The request to extend the period for submissions for Environment Canterbury applications CRC214073, CRC214074, CRC214075, CRC14076 and CRC214077 and Waimakariri District Council application for land use consent RC215276, until 9th February 2023 be declined; but that an extension with the submission period, ending at 5:00 pm on 22 December 2022, be approved.

☒ We agree to this extension

Date the request was granted:

9 December 2022

Date the timeframe is extended to:

22 December 2022

☐ We decline this extension

Reason:

A summary of the reasons for decision are as follows:

- Given the scale and complexity of the proposal and the large number of technical reports submitted with the application and further information request responses, it is considered that special circumstances under Section 37A(4)(b)(i) of the Resource Management Act 1991 exist that warrant the extension of the submission timeframe until the 22nd December 2022. It is also envisaged that this extension will not delay the planned hearing timeframe.
- Council considers that allowing an extension, while limiting the extension to until 22nd December 2022, provides for the interests of the community by affording reasonable opportunity in the circumstances to lodge submissions, while not causing unreasonable delay or prejudice to the applicant.

Signed:



Date: 9/12/22

Name: _____
Decision maker – Environment
Canterbury
Aurora Grant
CONSENTS PLANNING MANAGER

Signed:



Date: 9/12/2022

Name: _____
Decision Maker – Waimakariri District
Council
Ian Carstens
**RESOURCE CONSENTS TEAM
LEADER**