

Memo

Date	12 July 2019
To	Jesse Burgess, Planning Manager, Selwyn District Council
From	Rosie Flynn, Team Leader Resource Consents, Selwyn District Council
Application Number	RC185267
Applicant	Fulton Hogan Limited

Extension of Timeframe under s37 of the Resource Management Act 1991

The resource consent applications for the proposed Fulton Hogan quarry (Roydon Quarry) at Templeton were publicly notified on 6th April 2019, with submissions closing on 6th June 2019. Section 103A of the Resource Management Act 1991 (the Act) requires the hearing of the application to be completed within 75 working days of the submission period closing (being the 10th October 2019). The applicant has requested that the Canterbury Regional Council and Selwyn District Council exercise their powers under s37A of the Act to extend the timeframe to complete the hearing (with the section 103A timeframe extended until 23rd January 2020, at the latest).

Section 37A(4) 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).*

The Councils have now received at least 450 submissions with 178 submitters wishing to be heard. The application contains a significant amount of planning and technical information and assessments covering both regional and district council planning matters. Given the number of experts involved, and submitters to be heard, it is estimated that the hearing will take approximately three to four weeks.

The applicant has requested an extension to the timeframe to complete the hearing to allow enough time for all parties to prepare, review and respond to evidence prior to the hearing. The Councils understand that the applicant intends to request expert caucusing, and a timeframe extension will allow for caucusing to occur, should the Independent Hearing Commissioners agree to this request.

To allow for a robust pre-hearing process for all parties, it is recommended that the time to complete a hearing is doubled in accordance with Section 37A(4)(b)(ii) of the RMA. The commencement date for the hearing is to be 18th November 2019.

I have taken into consideration section 37A(1) of the Act.

I have considered:

	Comments
<p><input checked="" type="checkbox"/> The interests of any persons who may be directly affected by the extension or waiver</p>	<p>I have considered whether any parties will be directly affected by the extension, including submitters and the applicant. Some submitters have expressed concern to the Selwyn District Council about any delay in the hearing process, and subsequent stress to submitters. They have also raised concerns about Cup and Show week in November, which is a busy event for many submitters.</p> <p>While acknowledging that the timeframe extension may prolong the process for submitters, I consider that an extension will enable adequate time for submitters to thoroughly review and respond to the pre-circulated evidence, and if applicable, give their experts an opportunity to attend caucusing. I consider that this outweighs any potential effect of the extension.</p> <p>Concerns about Cup and Show week are acknowledged. The hearing timetable proposed by the applicant, and supported by both Councils, starts after Cup and Show week, and addresses this concern.</p> <p>While the applicant's agreement is not required to double timeframes, I note that they have requested the recommended timeframe extension.</p>
<p><input checked="" type="checkbox"/> the interests of the community in achieving adequate assessment of effects</p>	<p>I consider it is in the community's interest to provide adequate time for parties to review and respond to evidence, and if applicable, have their experts participate in caucusing.</p>
<p><input checked="" type="checkbox"/> the Council's duty under s21 of the Act to avoid unreasonable delay</p>	<p>The application was lodged in November 2018. I do not consider the recommended</p>

	<p>extension to the hearing timeframe will cause unreasonable delay given the scale of the proposed activity and complexity of the application.</p> <p>The appointment of Independent Commissioners and confirming their subsequent availability for a hearing, and confirming any potential conflicts of interest, was not able to be completed until after submissions had closed which did not occur until 6 June at the earliest. Only then were we able to confirm commissioners, availability and then look at venue availability for an extended hearing.</p> <p>Given this, the delays in scheduling a hearing are not considered unreasonable.</p>
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<p>Reported and recommended by:</p>  <p>Rosie Flynn, Resource Consents Team Leader</p>	<p>Date: 12 July 2019</p>
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Decision

That the above recommendations be adopted under delegated authority.

I agree to this extension to extend timeframes to twice the maximum period specified in the Act.

Date the extension was granted:

12 July 2019

I decline this extension

Reason:

Given the scale, significance and complexity of the proposal, we consider that extending timeframes is appropriate in accordance with Section 37A(4)(b)(ii) of the Act.



Jesse Burgess, Planning Manager

Date: 12 July 2019