

BOARD MINUTE AND DIRECTION

BOARD OF INQUIRY

NORTHERN CORRIDOR IMPROVEMENTS PROPOSAL

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of a Board of Inquiry appointed under s149J of the Resource Management Act 1991 to consider resource consents and notices of requirement lodged by the New Zealand Transport Agency in relation to Northern Corridor Improvements in Auckland.

THE BOARD OF INQUIRY

Judge Melanie Harland (Chair)
Conway Stewart
Nigel Mark-Brown

DATE

06 April 2017

BOARD MINUTE AND DIRECTION NO.3

WAIVER OF COMPLIANCE WITH TIME LIMIT FOR SERVICE – LATE SUBMISSION

Introduction

1. The Northern Corridor Improvements (NCI) proposal was publicly notified by the Environmental Protection Authority (EPA) on 22 February 2017. The submission period closed at 5.00pm on 22 March 2017.
2. All submissions were received on time within the statutory timeframe. However, one submitter, the Centre for Urban and Transport Studies (submitter number 126516), has requested an addendum be included as part of their submission. The addendum was received after the close of the submission period on 27 March 2017.

Resource Management Act 1991 requirements

3. The power to waive and/or extend time limits for a board of inquiry appointed under section 149J of the Resource Management Act 1991 (RMA) derives from sections 37 and 37A of the RMA. Section 37(1) is applicable in this instance:

A consent authority or local authority may, in any particular case, -

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- (a) *extend a time period specified in this Act or in regulations, whether or not the time period has expired; or*
- (b) *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. Section 37A(1) requires that the following matters are taken into account, before deciding whether to extend a time limit, or waive compliance with a time limit:
- (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. Section 37A(2)(a) of the RMA states that “*a time period may be extended under section 37 for a time not exceeding twice the maximum time period specified in the Act*”.

Views of the directly affected persons and interests of the community

6. The New Zealand Transport Agency (the Transport Agency), the Applicant advised the Board of Inquiry on 31 March 2017 that they have no objections to the Board accepting the late addendum provided by the Centre for Urban and Transport Studies.
7. Accepting the submission by waiving the submitter’s compliance with the time limit will provide for the interests of the community.

Avoiding unreasonable delay

8. Accepting the submission is also unlikely to affect the EPA’s duty under section 21 to avoid unreasonable delay.

Board resolution

9. Having had regard to the requirements of section 37A or the RMA, and the views of the Applicant, the Board resolved to waive compliance with the time limit for service in respect to the late addendums provided by the Centre of Urban and Transport Studies on their submission. The addendum will therefore be attached to the Centre of Urban and Transport Studies original submission.

For the Board:



Conway Stewart

Deputy Chairperson

Board of Inquiry for the Northern Corridor Improvements Proposal

Dated: 06 April 2017