

## **Section 37 extension of time limits - Notice of Requirement to Alter City Rail Link Designation 2500-1 in the Auckland Unitary Plan Operative in Part**

City Rail Link Limited (CRL) gave notice on 11 October 2019 of a requirement to alter City Rail Link designation 2500-1 in the Auckland Unitary Plan (Operative in Part). The purpose of the alteration is to amend condition 63 relating to operational rail vibration.

The Council limited notified the alteration on 28 November 2019, with submissions due to close on 16 January 2020.

The Council has since received a request from Precinct Properties for the period for submissions to be extended. The reasons stated for this request are that finding sufficient time to consult with their tenants and securing expert advisors has been challenging at this time of year. CRL has agreed to this extension of time.

Under s97 of the RMA the closing date for submissions is the 20th working day after the date of limited notification. An additional 10 working days is proposed, taking the close of submission date to 31 January 2020.

Section 37(1)(a) of the RMA gives a local authority the power to extend the time period specified in the Act or in regulations, whether or not the time period has expired. With the requiring authority's agreement, the council may extend the timeframe by up to twice the maximum time period under s37A(4)(b)(ii) or more than twice the maximum time period under s37A(5)(a). In this case it has been agreed to allow for an additional 10 working days to the submission period.

Therefore, I hereby exercise the council's power to extend the time period under Section 37 of the RMA for a further 10 working days, from 16 January 2020 to 31 January 2020, to allow the parties notified sufficient time to assess the notice of requirement and obtain advice and technical expertise.

This power is exercised under delegated authority in accordance with Section 34A of the RMA and the delegations set out in the document "Auckland Council Combined Chief Executives Delegation Register: Resource Management Act 1991 and Local Government (Rating) Act 2002" (Updated December 2019).

In exercising this power, the matters set out in Section 37A(1)(a-c) of the RMA have been taken into account:

### **37A Requirements for waivers and extensions**

*(1) A consent authority or local 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.*

I consider that this extension of time complies with s37A(1) for the following reasons:

- The request for an extension of time has been made by Precinct Properties, the owner of Commercial Bay (11-19 Customs Street West). The only other parties notified of the alteration, and who may be directly affected by an extension, are tenants of Commercial Bay with whom Precinct Properties are consulting.
- The interests of the community are not prejudiced because additional time in which to make submissions will allow more time for the community to participate effectively in the process and will not result in a significant delay to the CRL construction.
- No unreasonable delay will occur, and the extension will ensure that the parties notified are able to obtain expert advice to inform any submissions and allow them to participate effectively in the process to alter the CRL designation.

The requiring authority is considered to be the only party prejudiced by the time extension and they have agreed to the extension of time as provided for under s37A (4)(b)(ii).



Celia Davison  
**Manager, Central South, Plans and Places, Auckland Council**

Date: 23 December 2019