



**APPLICATION FOR EXTENSION OF TIME PURSUANT TO
SECTION 125 OF THE RESOURCE MANAGEMENT ACT 1991**

Three Blokes Ltd

362 Matakana Valley Road, Matakana

Assessment of Environmental Effects

25 November 2022



INTRODUCTION AND PROPOSAL

- 1.1 Three Blokes Ltd (the Applicant) seeks an extension of time under s.125 of the Resource Management Act to resource consent LUC60311264. This resource consent was originally granted on 16 May 2018, and will lapse on 16 May 2023. The Applicant seeks an extension of time for three (3) years until 16 May 2026.

DOCUMENTATION

- 1.2 This application is accompanied by the following documents;
- i. Letter of Authorisation (**Attachment 1**)
 - ii. Certificate of Title (**Attachment 2**)
 - iii. Approved Plans (**Attachment 3**)
 - iv. Original Decision (**Attachment 4**)
 - v. Statement of Progress (**Attachment 5**)

PLANNING DOCUMENTS

Auckland Unitary Plan (Operative in part)

- 1.3 The subject site is subject to the zoning and notations identified in the table below;

Zoning and precinct	Rural - Rural Production Zone
Overlays, controls, special features, designations, etc	Controls: Macroinvertebrate Community Index – Exotic, Controls: Macroinvertebrate Community Index – Urban, Flood Plain, Overland Flow Paths, Flood Prone Area, Ngati Manuhiri Statutory Acknowledgement Area, Matakana Road contains a Historic Heritage Overlay Extent of Place notation.
Proposed plan change(s) (#1 to #87)	Not Applicable

DESCRIPTION OF SITE AND SURROUNDS

- 1.4 This application involves land legally described as Part Allotment 51 Parish of Matakana, Section 1 SO Plan 400726 at 362 Matakana Road, Matakana. The site comprises 2.67 hectares in area and has no limitations identified on the Certificate of Title. The Certificate of Title is contained in **Attachment 2** for ease of reference.
- 1.5 The site has a long history of commercial use, including sawmill operations impacted by an unfortunate fire in March 2017 which can be read about here <https://www.localmatters.co.nz/business/picking-up-the-pieces-after-sawmill-fire/>.



The Applicant has invested a considerable amount of time and resources in cleaning up the site and getting it fit for purpose, including landscaping, fencing and general site remediation for the proposed market activity.

- 1.6 As can be seen from the aerial image, and despite the fire, the site presently contains a range of rural support industries in the central and northern portions of the site, and when consent LUC60311264 is fully implemented, the southern portion of the site will also contain the proposed market within the footprint of the buildings shown in the aerial image. Reference should be made to the approved plans in **Attachment 3** for more detail.



Figure 1 Locality Plan

Source Auckland Council GIS

- 1.7 The site is relatively flat and bisected by streams and overland flow paths that feed into a tributary of the Matakana River that abuts the eastern boundary. The riparian margins of the site are vegetated, but no stands of significant or scheduled vegetation are present on the site. On the western boundary the site abuts Matakana Road itself. Access is via a number of entry points, directly from Matakana Road.
- 1.8 In general terms, the surrounding area is largely rural in character with rural lifestyle blocks a noticeable feature of the local area. Matakana Village is some two kilometres to the south.



STATUTORY CONSIDERATIONS

- 2.0 As already stated Resource Consent LUC 60311264 was granted in May 2018. A copy of the decision can be found in **Attachment 4**.
- 2.1 In considering any application for an extension to a lapse period under s125, a consent authority must take the following into account:
- i) Whether substantial progress or effort has been made, and continues to be made, towards giving effect to the consent; and
 - ii) Whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and
 - iii) The effect of the extension on the policies and objectives of any plan or proposed plan.

Whether substantial progress or effort has and continues to be made (s125(1A)(b)(i)).

- 2.2 The Applicant originally intended commencing the market activity in late 2020 but has had their plans derailed by the post fire clean up, the COVID outbreak and associated restrictions that existed in New Zealand between March 2020 and September 2022. Information on these COVID restrictions can be found here <https://covid19.govt.nz/about-our-covid-19-response/history-of-the-covid-19-alert-system/#timeline-of-key-events> and here <https://covid19.govt.nz/about-our-covid-19-response/history-of-the-covid-19-protection-framework-traffic-lights/>.
- 2.3 Moreover, since that time there has been a “catch up” phase where consulting firms in New Zealand have had a backlog of work to get through, but have been unable to find the necessary staff due to immigration settings and overseas migration which has further pushed out time frames for deliverables. An article on this can be found here <https://www.newshub.co.nz/home/new-zealand/2022/07/brain-drain-businesses-hit-by-staffing-shortages-as-skilled-workers-flock-overseas.html>.
- 2.4 As already stated, the Applicant has utilised their best endeavours to ready the site for the proposed activity to date. This has included site remediation and tidying with heavy equipment, landscaping, and organising the necessary building consent application. A brief letter from the Applicant confirming their endeavours is contained in **Attachment 5**.
- 2.5 In this respect the Applicant is currently getting architectural plans for the building consent finalised, with a view to lodge the building consents in late 2022 / early 2023. However there are delays with the preparation of the necessary supporting engineering reports for the building consent application, such that the Applicant has become increasingly concerned that the architectural plans may not be finalised as anticipated. Moreover, there is also concern that there may also not be sufficient time for Auckland Council to review the plans and issue building consent before the lapse of the land use consent on 16 May 2023.



- 2.6 Lastly, and also, the Applicant does not wish to be placed in the position, where even if they secure building consent, they are unable to fully implement it until such time as Auckland Council makes a decision on this s.125 Application. Auckland Council is also experiencing delays in processing times. This is why this application has been lodged some six (6) months before the lapse of consent to allow sufficient time for it to be processed.

Persons adversely affected by the granting of the extension (s125(1A)(b)(ii))

- 2.7 No person is considered potentially adversely affected by the granting of the extension. The reasoning for this is clearly communicated through the reasons for the decision included with LUC60311264. That decision found that effects on amenity and character arising from the proposal would be “*less than minor*” with no significant constraint on rural production activities on surrounding sites, and with noise, light, and traffic levels consistent with those “*...found in areas set aside for rural lifestyle activities...*”.
- 2.8 A review of aerial photographs between 2018 and to the present time indicates that there have been no discernible changes within the surrounding receiving environment by way of the establishment of new activities, or changes to existing activities and land uses, since the issue of the consent in 2018, such that these findings would be any different at the present time.

Effect of the extension on the policies and objectives of any plan or proposed plan (s125(1A)(b)(iii))

- 2.9 The Auckland Unitary Plan was first notified in late September 2013, with the Auckland Unitary Plan becoming operative in part in 2016. Whilst Auckland Council has embarked on many plan changes since that time (32) and also received multiple private plan change requests (55), there have been no material changes made to the objectives and policies, rules or assessment criteria that effect the surrounding locale, the subject site itself, or an activity of the nature proposed.
- 2.10 This means that this application for a s.125 extension can be reasonably informed by the objectives and policies as they stood at the time of the decision. In this respect, the objectives and policies outlined in H19.2.1, H19.2.2, H19.2.3 and H19.2.4 of the AUP(OP) remain in place within the AUP(OP) and this proposal will not compromise the integrity of these objectives and policies in any way.



CONCLUSION

- 3.0 The proposal seeks an extension of time under s.125 of the Resource Management Act to resource consent LUC60311264. This resource consent was originally granted on 16 May 2018, and will lapse on 16 May 2023. The Applicant seeks an extension of time for three (3) years until 16 May 2026.
- 3.1 The application has been assessed in terms of the matters detailed in s.125 of the RMA (1991). Specifically;
- (a) Whether substantial progress or effort has been made, and continues to be made, towards giving effect to the consent; and
 - (b) Whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and
 - (c) The effect of the extension on the policies and objectives of any plan or proposed plan.
- 3.2 The Applicant has provided sufficient evidence that substantial effort has been made, and continues to be made towards giving effect to LUC60311264. There have been no changes to the receiving environment such that any parties are adversely effected by the proposed extension of time, and the extension will not compromise the integrity of the plan provisions. In my opinion the application for an extension of time can be granted.

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25 November 2022