

BEFORE THE SOUTHLAND REGIONAL COUNCIL

IN THE MATTER OF The Resource Management Act 1991 (**Act**)

and

IN THE MATTER OF an application by M and C Adams as Trustees of the MJ Adams Trust for

- a land use consent for new dairy farming that did not exist as of June 2016 by increasing both land area and cow numbers;
- a discharge permit for the discharge of farm dairy effluent from up to 1,150 cows; and
- a water permit for the abstraction of up to 126.5 cubic metres per day of groundwater for stock drinking water and dairy shed washdown

(APP-20181750)

**MINUTE OF HEARING COMMISSIONERS
ADDRESSING ADDITIONAL EVIDENCE TO BE PROVIDED**

- 1 We have now had opportunity for initial review of the applicant's evidence. Two preliminary matters arise. These are identified to ensure efficient hearing time next week (13 May 2019). For clarity, we have not formed a view on the merits of the proposal, including whether consent should be granted and (if granted) what conditions should be imposed.

Draft consent conditions

- 2 The s42A report recommends that consent be refused for reasons given in the report. Consequently, the report has not identified consent conditions that would be appropriate from the consent authority's perspective in the event that consent is approved. We have not formed a view on whether consent may be granted for the proposal; but it would assist our deliberations for Council officers to prepare recommended consent conditions (or preferably, a marked-up version of conditions proposed by the applicant) if a decision is made to grant approval. That should be provided in advance of the hearing, to allow review by the applicant and submitters. Directions are made below.

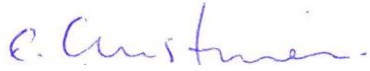
Water quality data

- 3 Dr Freeman's evidence identifies information apparently held by Council relating to water quality or state of environment indicators that may be relevant to the receiving environment. Examples from Dr Freeman's evidence include:
 - Footnotes to Table 2 and Table 3 ("I understand that these variables may have been assessed but were not provided to me as part of the Excel file of water quality data")
 - Table 3 header ("..recent data not made available prior to finalisation of evidence")
 - Evidence at [8.4] regarding the Environment Southland memorandum dated 16 April 2019 ("That memo refers to water quality data that has not been made available to me...")
 - Evidence at [8.13] ("...I am waiting for Environment Southland to provide periphyton data...")
- 4 To the extent that this information is relevant and available, directions are made below that Council release that information to the applicant and submitters.

Directions

- 5 We **direct** that:
 - The s42A report writer (Alex Erceg) prepare and circulate to the applicant and all parties proposed consent conditions, in the event that consent is granted, by 4 pm on Thursday 9 May 2019;

- To the extent that it is relevant and available, Council provide the information identified in (3) above to the applicant and all parties by 4 pm on 9 May 2019;
- Leave is reserved to all parties, including Council, to apply to vary these directions. Any application to vary is to be filed and served by 4 pm 7 May 2019.



Emma Christmas

Chair

Dated: 6 May 2019