

BEFORE THE SOUTHLAND REGIONAL COUNCIL

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

and

IN THE MATTER OF an application by Woldwide One Ltd and Woldwide Two Ltd for various land use, discharge and water permits associated with expansion of a dairy farm (**APP-20191052**); and

an application by Woldwide Four Ltd and Woldwide Five Ltd for various land use, discharge and water permits associated with expansion of two dairy farms (**APP-20191140**)

MINUTE OF HEARING COMMISSIONERS

**DIRECTIONS REGARDING AMENDMENTS TO THE APPLICATIONS AND
ORDER OF PROCEEDINGS AT THE HEARING**

- 1 We have received a request from Ms Grant, Council's Consents Officer, seeking directions in relation to the hearing schedule for the Woldwide hearings, given the recent changes to the applications and her concern about having sufficient time to provide a useful s42A Report that addresses these changes.
- 2 Ms Grant advises that the applicants had agreed to provide the amendments to the application on 23 August. The information was provided on that date; however, there have been subsequent further changes, with some changes being made in a form in which it is difficult to assess what the changes are. This has caused difficulty for both Council staff and ourselves in terms of determining which documents are still in play, which have been replaced and which are amended (and how).
- 3 Ms Grant further advises that she requested the applicants provide a summary of the changes. Such a summary has not yet been received. She also raises a potential matter of scope in that an effluent management plan has been withdrawn in relation to the Woldwide 1 and Woldwide 2 application.
- 4 Ms Grant suggests three options as to the way forward, in order to ensure that there is clarity over what changes have been made to the applications and that she has sufficient time to consider these changes and provide all parties with complete s42A reports in a timely manner.
- 5 Mr van der Wal, Counsel for the applicant, has responded to the request, noting that the applicants oppose any changes to the hearing timetable or scheduling, and any amendment to the requirements of the s42A reports. They consider that sufficient information has been provided to the Council complete the s42A reports and that it is normal for an applicant to amend its proposal in response to concerns raised in such a report.
- 6 While we agree with Mr van der Wal that changes to an application are a normal part of the hearing process, the manner in which changes have been made over the past week has unfortunately caused confusion and stress, given the timeframe in which the s42A reports must be finalised. As indicated in a previous minute, it is important that the Council (and other parties) have sufficient time to respond to the new information.
- 7 We therefore make the following directions.
 - a) The hearing dates will remain as previously advised.
 - b) The applicants will provide the council (via Ms Bragg) with a summary of the changes to the applications by 4pm on 5 September. This will include a list of which

documents have been superceded, which are replacement documents, and which have been amended (and a description of how).

- c) Within the same timeframe, the applicant will confirm whether it intends to provide a new or amended effluent plan, and when this will be available.
- d) The Council will make the summary available to all parties and clearly indicate on its website the status of all application documents, as soon as practicable.
- e) Both hearings will commence with the applicant confirming the changes to the applications, to ensure that all parties have the correct information. To facilitate this, the hearing for Woldwide 1 and Woldwide 2 (Monday 30 September) will commence half an hour earlier, at 2.30pm. We acknowledge that Mr van der Wal may be unable to be present, given his prior commitments; however, as the confirmation of changes and documentation will be a matter of fact we do not consider this will cause prejudice to the applicant. The earlier start is necessary to ensure there is still sufficient time available to hear the evidence of Mr Cain Duncan on that day.
- f) To avoid further confusion, any changes made to the applications following receipt of this Minute are to be presented along with the applicants' evidence, in a way that clearly indicates the nature of the change, and which parts of which documents are being amended.
- g) Should there be further changes following the applicants' circulation of evidence, these must be outlined at the start of the relevant hearing.
- h) The Consents Officer will circulate her s42A reports in accordance with the statutory timeframes (9 September and 12 September for the two hearings). These reports will address any amendments to the applications which it is practical to address within that timeframe.
- i) If there are any amendments which cannot be addressed within that timeframe, a supplementary report will be circulated to all parties by close of business on Friday 27 September for the Woldwide 1 and Woldwide 2 hearing, and Tuesday 1 October for the Woldwide Four and Woldwide Five hearing. The supplementary reports will include draft conditions for consideration should we grant consents the consents. This will allow all parties to fully understand the Council's position prior to the start of the hearing.
- j) The order of proceeding for the hearings will otherwise remain unchanged: the applicant's case will be presented first, followed by submitters, then any further comments the Council wishes to make, and finally the applicant's right of reply.



Emma Christmas

Chair

Dated: 4 September 2019