

## BEFORE THE SOUTHLAND REGIONAL COUNCIL

IN THE MATTER OF:

Resource Consent Application: **APP-20202200 APP-205862-01-V2.**

APPLICANT: **AB Lime Limited**

### Minute of Hearing Commissioner Allan Cubitt

1. The AB Lime Limited hearing was conducted at Invercargill on the 17<sup>th</sup> to 20<sup>th</sup> of May 2021. The hearing was adjourned on Thursday the 20<sup>th</sup> of May to enable the receipt of the final reply from the applicant and a review of that reply to ensure there were no questions arising that would require the hearing to be reconvened.
2. The applicant's final written reply was received on the 21<sup>st</sup> of May 2021. I have now reviewed those submissions and the evidence presented at the hearing to determine whether further information is required to complete the decision-making process. I am now satisfied that no issues arise from the reply and that no further information is required so the hearing is now formally closed.
3. I note that Section 103A(3) of the Resource Management Act 1991 Act (RMA) requires limited notified application hearings to be complete within 45 days of the submission period closing. That was not possible in this case due to the pre-hearing meeting and the various discussions that took place with the applicant since that date. I understand that the hearing date was determined in consultation with the applicant to ensure the availability of their experts at the hearing. As a consequence of this, I have extended the hearing completion period to 31 May 2021 pursuant to sections 37 and 37A of the RMA on the basis of the agreement reached between the applicant and the Council.
4. Because a hearing was held, section 115(3) of the RMA requires the notice of the decision to be given within 15 working days after the end of the hearing unless that date is extended under section 37 of the RMA. Section 37A(4) of the RMA states that a consent authority may extend a time period under section 37 only if—
  - (a) the time period as extended does not exceed twice the maximum time period specified in this Act; and
  - (b) either—
    - (i) special circumstances apply (including special circumstances existing by reason of the scale or complexity of the matter); or
    - (ii) the applicant agrees to the extension; and
    - (c) the authority has taken into account the matters specified in subsection (1).
5. In this case, the scale and complexity of the issues at hand are such that I have determined it necessary to double the decision-making period. In doing so I have taken into account the matters set out in Section 37A (1) and note that the applicant agreed to the time extension at

the hearing. Given the level of technical detail that requires consideration, I consider it is in best the interests of the community to extend the time frame to ensure an adequate assessment of the effects of a proposal is made.

6. As a consequence, the decision will be notified in accordance with Section 114 of the Act no **later than 5.00 pm on Monday 12 July 2021.**
7. Any questions or queries around this process must occur via the Hearings Administrator, Ms Leny Tambo at Environment Southland via email [leny.tambo@es.govt.nz](mailto:leny.tambo@es.govt.nz) or phone 032115115.

Dated: 31 May 2021

A handwritten signature in black ink, appearing to read 'Allan Cubitt', written in a cursive style.

Allan Cubitt  
Hearing Commissioner