

Southland Regional Council (Environment Southland)

Proposed Southland Water and Land Plan

DECISION OF HEARING COMMISSIONERS

Decision 1

INTRODUCTION

1. At its meeting on 3 August 2016 the Southland Regional Council (Council) under section 34A of the Resource Management Act 1991 (Act) appointed me, Rob van Voorthuysen, as Chair of the hearing panel on the proposed Southland Water and Land Plan.
2. The Council delegated to the hearing panel all the powers, functions and duties of the Council to hear submissions on the proposed Southland Water and Land Plan, and to make recommendations to the Council on the submissions, including requiring and receiving reports in terms of section 42A of the Act, and exercising powers conferred by sections 41B and 41C of the Act and Clause 8AA of Schedule 1 of the Act.
3. The Council authorised me, as Chair acting alone, to exercise any powers, functions and duties delegated in respect of the conduct of the hearing, including those conferred by sections 41 to 42A, and Clause 8AA of Schedule 1 of the Act.

LATE SUBMISSIONS

4. Submissions on the proposed Southland Water and Land Plan were due to be lodged with the Council by 5 pm on 1 August 2016. Around 900 submissions were lodged in time.
5. The Chief Executive of the Southland Regional Council approved an extension of time under section 37 of the Act to file submissions on the proposed Southland Water and Land Plan until 5 pm on 8 August 2016.
6. Submissions from the following persons were received by the Council after 5pm on 8 August 2016 (together, the **Late Submitters**):
 - a. Allan & Robina Johnston – 10 August 2016¹
 - b. Rossland Farming Limited – 10 August 2016
 - c. W F & K M McDonald (William McDonald) – 10 August 2016
 - d. Bevan McNamara – 23 August 2016
 - e. TNZ Growing Products Limited - 30 September 2016
7. The submission lodged by TNZ Growing Products Limited was accompanied by an Application to File a Late Submission and Memorandum in Support, and a supporting Affidavit of Corey Andrew Hodges in Support, both dated 30 September 2016. The Application and the supporting Affidavit set out the reasons for the late filing of the submission.
8. Section 37 of the Act provides that the hearing commissioners (in accordance with their delegated powers) may extend a time limit or waive a failure to comply with any time limits specified by or under the Act. Section 37A of the Act sets out the matters that the hearing commissioners must take into account in

¹ Allan and Robina Johnston lodged a submission within the 1 August 2016 timeframe. However, Allan and Robina Johnston lodged an addition to their submission on 10 August 2016. This decision only relates to the additional submission points lodged on 10 August 2016.

exercising this discretion. These are:

- (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 plan; and
 - (c) its duty under section 21 of the Act to avoid unreasonable delay.
9. The Council is yet to notify its summary of decisions requested, and the time for filing further submissions has not yet commenced. Therefore, if I waive the Late Submitters failure to comply with the time limit for lodging their submissions, persons will still have the opportunity to lodge further submissions on these late submissions.
 10. I also note that the hearing of submissions on the proposed Southland Water and Land Plan is not due to commence until 2017. Further, the hearing commissioners have not yet issued a notice of hearing and directions for the filing of evidence.
 11. I consider that granting the waiver will promote the interests of the community in achieving adequate assessment of the effects of the proposed Southland Water and Land Plan and will not cause any unreasonable delay.
 12. I also accept the reasons set out in the Application and supporting Affidavit in relation to the late filing of the submission of TNZ Growing Products Limited.
 13. For all these reasons, I consider that no persons will be prejudiced by the late filing of these submissions.
 14. Accordingly, I waive the Late Submitters failure to comply with the time limit for lodging their submissions. This means that the submissions listed in paragraph 6 above will be considered valid submissions on the Southland Water and Land Plan and they will be included in the summary of decisions being compiled by the Council.
 15. I also direct the Council to serve a copy of this decision on the Late Submitters, upload a copy to the Council's Website, and to update its submission database.



Rob van Voorthuysen (Chair)

10 October 2016