

BEFORE THE SOUTHLAND REGIONAL COUNCIL

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

and

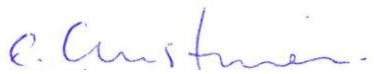
IN THE MATTER OF an application by Woldwide One Ltd and Woldwide Two Ltd for various land use, discharge and water permits associated with expansion of a dairy farm (**APP-20191052**); and

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
REGARDING DELAY OF HEARINGS**

- 1 Commissioner Rob Enright and myself have been engaged by Southland Regional Council to hear and decide a number of applications by Woldwide One and Woldwide Two Ltd, and (in a separate hearing) applications by Woldwide Four Ltd and Woldwide Five Ltd, to expand dairy farms owned and operated by the applicants. The two hearings are currently set down to commence on 19 August and 22 August respectively.
- 2 We were informed on 25 July that changes to both applications are proposed. These include changes to the farm systems and additional mitigation measures, with the objective of being able to demonstrate a reduction in contaminant losses. The applicant noted that the changes involve “a considerable amount of additional modelling and associated farm system changes”.
- 3 The applicant has advised that the changes are within the scope of the applications made. This will need to be confirmed once those changes are received.
- 4 In response, Ms Grant, Team Leader Consents for Environment Southland, requested directions from us in terms of how to proceed. She noted that the applications are complex and have required significant Council resource in assessing them to date, including preparation of detailed evidence, from both internal and external experts. This assessment has been based on the application as notified. Given the complexity of the systems and magnitude of the activities to be assessed, she noted that should remodelling and farm system changes are proposed, the evidence prepared by Council will likely be largely irrelevant. She requested that Council to receive, at a minimum, a detailed description of the proposed changes to the application and be allowed time for these changes to be assessed and incorporated into expert evidence.
- 5 This proposed changes to the applications gives us considerable concern about the timeframe set out for the hearing and circulation of evidence. The s42A Reports are due to be circulated on the 29th July and 1 August. We agree with Ms Grant that it now appears they will be largely redundant. Once the amendments to the application are received, time will be required for Council staff to respond to the new information. Given the nature of the changes proposed, it is not reasonable nor practical to expect that to occur prior to the current hearing date, and in enough time for all parties to consider those reports. Nor can the Council staff be expected to do this ‘on the fly’ at the hearing. Enabling sufficient time for a proper evaluation of the amended proposal will ensure that effects more clearly identified, issues narrowed, and better information provided to the hearing.

- 6 We therefore consider that the amendments to the application must be provided to all parties first, with sufficient time then made available for Council staff to prepare new or amended s42A Reports. Circulation of evidence as normal can follow from that point.
- 7 Our initial view is that the following directions are appropriate. If the applicant disagrees with the proposed process, it may respond within 2 working days, and we will then make a final direction. We encourage the applicant to confer with Council staff, to see if an agreed position may be reached. We do not consider it necessary to hear from submitters, but leave is reserved if other submitters wish to raise any material issues of prejudice, within the same timeframe. For the applicant's benefit, we attach a copy of the email received from Ms Grant regarding the need for a delayed hearing.
- 8 Our proposed directions are:
- a. The start of the hearing is delayed until further notice.
 - b. The applicant circulates amendments to its applications outlining the changes to be made, and with revised assessments of effects, by 5 August. This may be done by way of the evidence already being prepared, if that is most convenient;
 - c. Any party may advise of issues with the scope of the amended applications by 7 August;
 - d. Council staff to outline the time required to prepare amended s42A Reports by 9 August;
 - e. Having considered that information we will issue further directions concerning a new hearing date and circulation of evidence.
- 9 We are mindful of the need to comply with statutory timeframes. Section 103A requires that the hearing is completed no later than 75 working days after the close of submissions. That date is 22 August for both hearings. It will therefore be necessary to extend this time limit. We will issue directions on this matter when the date for a hearing is confirmed. The applicant is reminded of its ability to suspend processing of the application under s91A at any time, if it wishes.



Emma Christmas

Chair

Dated: 27 July 2019