

BEFORE THE SOUTHLAND REGIONAL COUNCIL

UNDER The Resource Management Act 1991 (Act)

AND

IN THE MATTER OF APP-20222055 by Capil Grove Limited for discharge permits, land use permits and a water permit associated with a dairy farm conversion.

Minute 1: Applicant's supplementary evidence

1. The Southland Regional Council have appointed Councillor Lyndal Ludlow and Bianca Sullivan to hear and decide application APP-20222055 by Capil Grove Limited.
2. Section 41B of the Resource Management Act 1991 (RMA) provides for a council to direct an applicant or submitter to provide briefs of evidence before a hearing and specifies timeframes for such provision. For this hearing, the Council directed the applicant to provide such briefs and, as required by section 41B(2) of the Resource Management Act 1991 (RMA), this was done at least 10 working days prior to the hearing. These timeframes allow for the submitter to consider the applicant's evidence, along with the Council officer's section 42A report, prior to submitting their evidence. The submitter was directed to provide evidence at least five working days before the hearing, pursuant to section 41B(4), to allow the Hearing Panel time to read all of the information. The evidence from Ms Blair met this requirement.
3. This morning we received a supplementary statement of evidence from Mr Hamish Lowe, and a pond review undertaken by GeoSolve. Mr Lowe's supplementary evidence is 66 pages long, while the Geosolve review is a 1-page letter.
4. Section 37(1) of the RMA gives us the discretion to waive or extend timeframes, and section 37A provides the circumstances for extensions and the matters we must consider in exercising this discretion. With the hearing commencing on Tuesday 4 July, we consider that there is insufficient time for the additional information, particularly Mr Lowe's supplementary evidence, to be reviewed by the s42A report officer and submitter. We therefore do not accept the late evidence.
5. The applicant may wish to provide this information at Tuesday's hearing. All evidence submitted within the RMA timeframes will be heard but, if additional information is tabled by the applicant, the hearing will likely be adjourned to allow the parties time to consider and respond.

Dated the 28th day of June, 2023

Bianca Sullivan (Chair)
Councillor Lyndal Ludlow