

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application by Grenadier Limited to the Manawatū-Whanganui Regional Council **APP-2020203164.01** for the suite of resource consents associated with the construction and development of a proposed eighteen hole links golf course and ancillary activities on land at 765 Muhunoa West Road, Ōhau

MINUTE NUMBER 1 OF THE HEARING PANEL

A. PURPOSE OF THIS MINUTE

1. This minute gives notice of the hearing date, sets out the proposed timetable of evidence exchange towards the hearing, and addresses a late submission received by the Council.

B. NOTICE OF HEARING

2. **The hearing will commence at 9.00 am on Tuesday 3 May 2022 at the Levin Public Library (Te Takere) 10 Bath Street, Levin 5510.**

C. TIMETABLE TOWARDS HEARING

a. Section 42A Report:

Horizons Regional Council has commissioned a report on the application and submissions (pursuant to section 42A of the Act). In accordance with section 42A of the Act, this report will be made available to parties (on the Council's website) **no later than 2.00 pm on Wednesday 6 April 2022.**

b. Applicant's Evidence:

Pursuant to section 41B (1) of the Act, the Applicant is directed to provide to Horizons Regional Council **no later than 2.00 pm on Wednesday 13 April 2022** all statements of evidence it proposes to present to the hearing. Evidence is to be supplied in electronic 'pdf' format, by

email, to Mrs Carina Hickey at carina.hickey@horizons.govt.nz. Council staff will endeavour to make all evidence received available on its website as soon as practicable that day.

c. Submitters' Expert Evidence:

Pursuant to section 41B (3) of the Act, all submitters who intend to call expert evidence are directed to provide to Horizons Regional Council **no later than 2.00 pm on Friday 22 April 2022** all statements of expert evidence they propose to present to the hearing. Evidence is to be supplied in electronic 'pdf' format, by email, to Mrs Carina Hickey at carina.hickey@horizons.govt.nz. Council staff will endeavour to make all evidence received available on its website as soon as practicable that day.

d. Other Evidence of Submitters, Legal Submissions and Representation Statements:

Any written statements that non-expert persons wish to present to the hearing may be tabled at the hearing. Submitters are not required to present written statements of evidence and may make oral presentations at the hearing. However, it would greatly assist the Hearing Panel if oral presentations are accompanied by written notes summarising the points made. Please bring ten printed copies of any written material to be presented to the hearing.

e. Hearing Assistance:

Any party who intends to present any material using electronic equipment, such as PowerPoint slides, is requested to contact Mrs Hickey as soon as practicable prior to the hearing to ensure the appropriate technology is in place and working at the outset of the hearing.

f. Interpreters

Any party who intends to make oral or written presentations in a language other than New Zealand English is requested to contact Mrs Hickey **no later than 13 April 2022** to ensure appropriate translation and transcription services can be provided to assist the Hearing Panel and parties.

D. LATE SUBMISSION

3. Horizons Regional Council received a late submission (on 9 March 2022) from Muaūpoko Tribal Authority Incorporated. The closing date for submissions was 21 February 2022. The submitter has requested that the submission be accepted notwithstanding its receipt after the closing date. The applicant has requested (by email dated 24 March 2022) that the Hearing Panel treat the late submitter as a submitter. However, the applicant has also expressed a reservation about the scope of matters the submitter wishes to raise, arising from a concern the applicant has that the submitter may aspire to enlarge the submission topics.
4. The Hearing Panel has been delegated the authority to consider requests for extension or waiver of timeframes. The relevant statutory provisions are sections 37 and 37A of the Act. Section 37 allows this Hearing Panel, acting with the delegated authority of the Council, to

extend a time period, whether or not the time period has expired, or to waive a failure to comply with a requirement under the Act (including a failure to lodge a submission by the specified closing date). Section 37 states that a time period may be extended for a period not exceeding twice the maximum period or a longer period, if the applicant requests or agrees. Section 37A requires that no time period can be extended unless the following matters have been taken into account:

- (a) the interests of any person who, in our 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 the proposal; and
 - (c) this Hearing Panel's duty (under section 21 of the Act) to avoid unreasonable delay.
5. Our view, based on the information available to us, is that the only person who could be considered to be directly affected by the time extension in this case is the applicant. The applicant has agreed to the submitter's participation in the hearing. The submitter represents a recognised member of the community and has stated that the application site has significance to Muaūpoko. The submitter may bring to the hearing valid matters that assist us in understanding the effects of the applicant's proposal. We note that the submission does not specify what relief is requested. We also note the applicant's reservation about the scope of matters that can be legitimately raised at the hearing, based on the wording of the submission.
6. Granting the time extension will not delay the hearing. We are satisfied that granting a time extension, until 9 March 2022 to allow the receipt of the submission by Muaūpoko Tribal Authority Incorporated, will not create prejudice for any party. Having taken into account the relevant matters, in accordance with the authority delegated to us and pursuant to sections 37 and 37A of the Act, our decision is that the time period for receipt of the submission by Muaūpoko Tribal Authority Incorporated, is extended until 9 March 2022.
7. Having granted that extension, the Hearing Panel will expect the submitter to provide clarity in any presentation to the hearing as to the specific aspects of the application the submitter either supports or opposes. In particular, the submitter will need to specify the decision the Muaūpoko Tribal Authority Incorporated requests the Hearing Panel to make about the specifics of the proposal. We are mindful that the Act does not direct or require an applicant for consent to consult with any person before lodging an application. We doubt that we have jurisdiction to direct or require consultation with any party as a pre-requisite to determining a decision on the application. Our statutory task is to hear the applicant's and submitters' evidence and decide the application on that basis.

8. If any party has any questions about this minute, please address these to Carina Hickey at Horizons Regional Council (email carina.hickey@horizons.govt.nz). Mrs Hickey will confer with the Hearing Panel as necessary.



Christine Foster (Independent Commissioner)

On behalf of the Hearing Panel

24 March 2022