

IN THE MATTER OF Resource Management Act 1991

AND

IN THE MATTER OF The hearing of submissions in relation to
the Proposed Timaru District Plan

MINUTE 15 DECISION ON LATE FURTHER SUBMISSION

DATED 9th August 2024

1. INTRODUCTION

[1] The Council received a late further submission from Mr and Mrs Stack and referred the correspondence to the Hearing Panel¹ for its determination in accordance with section 37A of the Resource Management Act 1991 (RMA). The correspondence is in relation to a submission by Canterbury Woodchips Supplies Limited (#52), which was the subject of hearing on 22-24 July 2024.

[2] The Council has not expressed a view on the request for the Panel to receive the late further submissions but makes some observations regarding the process.²

2. DECISION

[3] The RMA prescribes the timeframes for the making of submissions and further submissions following notification of the Plan.

[4] The correspondence is some four months after the closing date for further submissions.

¹ The Timaru District Council ("the Council") appointed Cindy Robinson (Chairperson), Ros Day-Cleavin, Councillor Stacey Scott, Jane Whyte, Megen McKay, and Raewyn Solomon ("the panel") to hear submissions and further submissions, and evidence to make decisions on the Timaru Proposed District Plan ("the Proposed Plan") pursuant to Section 34A(1) of the Resource Management Act 1991 ("RMA"). Our delegation includes all related procedural powers to conduct those hearings.

² Memorandum of Counsel for the Council, 6 August 2024.

[5] The further submission is well out of time, and the hearing for the topic was underway when the correspondence was received by the Council. The Panel records that the correspondence was originally also copied to a member of the Panel, however, the correspondence was immediately forwarded to the Council to process the request and then refer the matter to the Panel. Unless the correspondence is accepted as a late further submission there is no statutory basis to consider the correspondence.

[6] The originating submitter did not appear at the hearing. Had the further submission been known then it is a reasonable assumption that they may have decided to appear. We find that there is likely to be prejudice to the originating submitter.

[7] The Council addressed the submission from Canterbury Woodchips Limited in the s42A Report. It is not necessary to receive the late further submission to ensure an adequate assessment of the effects of the Proposed Plan.

[8] Given the lateness of the submission, and the fact hearings on that topic have been undertaken we find it is too late and there are no extenuating circumstances which would lead us to consider receiving the submission.

[9] We therefore decline to accept the late further submission.

Dated this 9th day of August 2024



C E ROBINSON - CHAIR ON BEHALF OF THE HEARINGS PANEL