

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of application U190438 by The New Zealand King Salmon Company Limited for Coastal Permit (Marine Farm) – North of Cape Lambert, North Marlborough

BEFORE **Marlborough District Council (MDC)**

Minute # 1 of the Hearing Commissioners – Procedural Matters

1. The hearing panel received, via the MDC Administration and Hearings Facilitator, two separate emails from Guardians of the Sounds, and the Kenepuru and Central Sounds Residents Association who are submitters to the Application.
2. The submitters' emails outlined concerns with the information provided in the Applicant's *Submitters' Engagement Information Pack* which was provided to all the parties to the proceedings by an email from Ms Bulfield-Johnston on Friday 13 August 2021.
3. The email from the Kenepuru and Central Sounds Residents Association outlined concerns that the appropriate technical information had not been released and urged the Council to take action to have the Applicant meet the terms of the statutory direction as set out in the email from Ms Bulfield-Johnston.
4. The email from Guardians of the Sounds had concerns that a detailed engineering assessment had not been provided and requested that the hearing date be amended to 69 days following the provision of all the technical matters relevant to the hearing.
5. The panel has carefully considered the matters raised in the submitters' emails. We have referred to the email from Ms Bulfield-Johnston, the original submissions, and the content of the Submitters' Engagement Information Pack.
6. We note that the process outlined in subparagraph's (a) through (c) of Ms Bulfield-Johnston's email was accepted by Council and that the Council made a direction confirming this process pursuant to section 41C(1)(c) of the Resource Management Act (RMA) 1991.
7. The process outlined in the email of Ms Bulfield-Johnston is intended to give the opportunity for submitters and statutory agencies to participate in pre-hearing meetings with the Applicant at which further information can be requested and a process agreed for addressing any remaining concerns and/or making adjustments to the proposal if agreed. We view this as a proactive approach to engaging with submitters that will assist with the provision of information that we require to make a decision and in narrowing down the issues in contention that we need to consider.
8. This is a fundamentally different process to the requirements to exchange evidence within statutory timeframes set out under section 103B of the RMA 1991. The section 103B requirements will need to be met prior to the hearing and have been set out in earlier correspondence from Ms Bulfield-Johnston on 3 August 2021.

9. We have determined that there is no reason for us to intervene in the pre-hearing process established in the aforementioned Council directions or to provide additional directions to the Applicant at this stage in the proceedings. We can also see no reason to defer the hearing of the application.
10. I direct that the Administrator and Hearings Facilitator, Sue Bulfield-Johnston, circulate this minute and all information outlined above to all parties to the proceedings.

Dated: 25 August 2021.



Craig Welsh

Chairman