

Proposed Marlborough Environment Plan

Minute of the Hearing Panel

Minute 3V

On 8 December 2017, the Proposed Marlborough Environment Plan Hearing Panel (the Panel) received a request from Environmental Defence Society Incorporated (EDS) and Royal Forest & Bird Protection Society of NZ Incorporated (Forest and Bird) to extend the date for filing their evidence for Topic 6: Indigenous Biodiversity from 13 December 2017 to 1 February 2018.

Counsel for EDS and Forest and Bird had previously filed a request for the same extension on 6 December 2017 which had subsequently been declined on the basis that insufficient information had been provided to make a positive determination.

In the request dated 8 December 2017, Counsel for EDS and Forest and Bird offered the reasoning that both societies have limited resources which are managed in such a way as to identify and address only the most important issues. In relation to the hearing of the Indigenous Biodiversity topic, its importance could not be ascertained until the section 42A report was issued. After the report's release, neither society was able to find a witness to complete the evidence by the due date.

When considering the request, the Panel noted that the repeated request for extra time to submit evidence and/or legal submissions did not provide the type of detail which would ordinarily be expected to grant the indulgence sought. All submitters have known for months in advance of the timetable and more than sufficient time has been provided.

The Panel noted that the further information advanced in support of the repeated request does not provide any real detail of reasonable grounds for a deferment. One of the reasons advanced is that others have been granted such an extension. Those granted extensions to filing have advanced well-reasoned informative grounds for deferral which are notably lacking on this current request.

Moreover, it seems not to have been recognised that the fact of other extensions having already been granted actually means the Panel will already be under considerable reading time pressure from those requests having been granted. For others much later in the piece to now seek extensions and have them granted is less likely as a consequence.

EDS and Forest and Bird have not provided details as to who the proposed witnesses might be, in what field they are giving expert evidence, or what level of clash of fixtures they face in providing evidence.

Nor does the voluntary nature of the organisations add weight. Many of the submitters before the Panel are acting voluntarily.

The Panel is not prepared to grant the request to the date sought as that will potentially lead to the Panel having insufficient reading time—particularly when this request gives no detail as to length of proposed evidence, nor even numbers of possible witnesses, or length of possible legal submissions at all.

With considerable misgivings because of the lack of reasoned grounds, the Panel will grant a limited extension of time—but only until Friday 12 January, 2018.

Dated 11 December 2017

A handwritten signature in black ink, appearing to read 'T Hook', followed by a period. The signature is written in a cursive, somewhat stylized font.

Councillor Trevor Hook

Chair of the MEP Hearing Panel