

**Otago Regional Council  
Proposed Otago Regional Policy Statement 2021**

(excluding parts determined to be a freshwater planning instrument)

**DECISION OF HEARING COMMISSIONERS**

**on request for extension of time to file further submissions  
by Sustainable Tarras Incorporated Society.**

**The Request**

1. A request was made in writing on 17 October, 2022 By Mr. B. Farrell of Cue Environmental for an extension of time to enable Sustainable Tarras Incorporated Society ('Sustainable Tarras') to file further submissions in support of relief sought by Forest & Bird, and in opposition to relief sought by Dunedin Airport, Queenstown Airport and Christchurch Airport.
2. The grounds advanced in support of the request were in summary:
  - (a) that an extension would not prejudice any other party; that the primary submitters' positions would not be affected as the further submissions proposed do not add any 'new' positions in that they either promote as- notified provisions or support the position of a primary submitter.
  - (b) That Sustainable Tarras represents a significant part of the community who wish to express their views on matters raised in the further submissions;
  - (c) The grant of the extension will not delay the hearing process with the time-table set being unaffected.

**Consideration**

3. The Panel notes that the period for making further submissions closed on 1 December 2021. Since then Council has prepared s42A Reports and supplementary evidence following prehearing meetings with some parties. All of that process has occurred against a background of certainty that the period for submissions and further submissions had long since closed.
4. The Panel is also very cognisant that allowing an extension to file a further submission well out of time will affect the party status involved and opens potential appeal rights which may well be regarded as prejudicial by other existing parties. The ground advanced in support of the extension that no potential prejudice arises is, therefore, not correct.
5. The Panel is also concerned to note that an extension of time is being sought over ten months after the last date for filing further submissions. Ordinarily it would be expected that to try to explain why such an extraordinary delay has occurred some very compelling reasonable explanatory reasons would be advanced as to the failure to file the further submissions in time. No such explanation has been offered at all.
6. The Panel is most concerned that if it was to grant such an extraordinary extension now, even after a hearing timetable has issued and s.42A reports and supplementary evidence provided, in

the absence of any compelling explanation for the delay, it would open the possibility of other similar requests.

7. Arguments as to the significance of Sustainable Tarras in the community are insufficient to persuade the Panel that such an extraordinary extension of time should be granted when the other factors outlined above are taken into account.

#### **Decision**

8. The request for extensions of time to file further submissions by Sustainable Tarras is declined.

Ron Crosby for and on behalf of the Panel

Ron Crosby (chair)  
Rauru Kirikiri  
Allan Cubitt and  
Bianca Sullivan

5 December 2022