

IN THE ENVIRONMENT COURT
AT WELLINGTON

I TE KŌTI TAIAO O AOTEAROA
KI TE WHANGANUI-A-TARA

IN THE MATTER of a direct referral of applications for resource consents and notices of requirement under section 87 of the Resource Management Act 1991 for the establishment and operation of a solar farm at 415 Moroa Road, and other roads - Greytown

BETWEEN FAR NORTH SOLAR FARM
LIMITED

(ENV-2023-WLG-000014)

Applicant

MINUTE OF THE ENVIRONMENT COURT

(29 NOVEMBER 2023)

- [1] The period for s274 notices to be lodged with the Court concluded on 15 November 2023. As at that date 13 s274 notices had been filed. There are a further five notices to be considered and determined which are the subject of this Minute.

David McDonald

- [2] An application for a waiver to file a s274 Notice out of time was received by David McDonald. Ms McDonald was an original submitter to the application and had attempted to lodge her s274 notice by email with the Wellington Environment Court registry within the timeframe but had inadvertently misspelt



FAR NORTH SOLAR FARM LIMITED

the email address and her email was not received. Ms McDonald subsequently realised her mistake and sought a waiver of time to file her s274 Notice. I do not consider that there is prejudice to any party in accepting the late notice and accordingly the waiver of time is granted and the s274 notice is accepted.

Andrew Heaton

- [3] A late s274 Notice was received from Mr Andrew Heaton on 20 November 2023. Mr Heaton was an original submitter to the application. The case manager has advised Mr Heaton that an application for waiver of time is required before the Court can consider the late notice however no response to that advice has been received.
- [4] Mr Heaton is accordingly directed to file an application for waiver (or confirm that he does not wish to do so) by **5pm on Tuesday 5 December 2023**.

Jaimee Burns

- [5] An application for leave to join the proceedings under s274(1)(d) has been received from Jamiee Burns. Ms Burns was under the mistaken understanding that she had filled in an original submission form online and provided it to the Council. On enquiry from the Court, the Council has advised that it did not operate an on-line portal for submissions, but that Ms Burns may have mistakenly believed that completing an online PDF version of the submission form operated in this way.
- [6] I accept that Ms Burns genuinely considered she had made an original submission and expect that she would have sought to become a late submitter had this matter proceeded to a Council hearing. I consider that given her orchard is identified in the application, she does have an interest greater than the public generally and as such, I am minded to grant the application however before doing so I invite the Applicant to consider and advise by **5pm on Tuesday 5 December 2023** whether it considers there is any prejudice to its

interests in doing so.

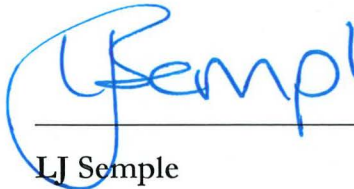
Peter Isaac and Jill Greathead

- [7] A s274 Notice has been received from Mr Peter Isaac. The notice was received within the timeframe however Mr Isaac was not an original submitter to the application. Mr Isaac did sign a submission as Chair of the South Wairarapa Whenua Advisory Group (SWWAG) however SWWAG has not lodged a s274 Notice to the proceeding.
- [8] Given he is not a submitter in his own right, Mr Isaac was advised by the Registry that he would need to apply to the Court to join the proceedings under s274(1)(d) of the Act (“an interest in the proceedings that is greater than the interest that the general public has”). He has now done so.
- [9] While Mr Isaac application does not clearly disclose why he considers he has an interest greater than the public generally, I have given some consideration to his position as Chair of SWWAG.
- [10] In a similar vein, a late application has been received by Jill Greathead seeking leave to join the proceedings under s274(1)(d). Ms Greathead considers that she has an interest greater than that of the general public on the basis that she is a former Carterton District Councillor and has been co-opted to SWWAG as an “independent facilitator to co-ordinate community engagement and consultation”.
- [11] In the normal course of events, it might have been expected that SWWAG would lodge a s274 Notice as the original submitter and Mr Isaac and Ms Greathead would represent the entity and/or provide relevant evidence and submissions. Provided the notice had been lodged within the statutory timeframe no application for leave would have been required to facilitate this.
- [12] As such, I am minded to grant the requests of Mr Isaac and Ms Greathead but before doing so I invite the Applicant to consider and advise by **5pm** on

Tuesday 5 December 2023 whether it considers there is any prejudice to its interests in doing so.

Other Matters

- [13] It will be apparent to Counsel for the Applicant that many, if not all of the s274 parties to this matter are lay people, most of whom appear to be unrepresented. It will also be apparent from this Minute that some parties are experiencing some understandable difficulties in navigating the direct referral process
- [14] Those matters should be taken into account in the reporting memorandum due by **5pm on Friday 15 December 2023** particularly whether a Friend of the Submitters ought to be appointed to assist with process advice.



LJ Semple

Environment Judge

