

---

**RESOURCE MANAGEMENT ACT 1991**

**DIRECTION #15**

**INDEPENDENT HEARING PANEL**

---

**Purpose:** The purpose of Direction #15 is to respond to Council’s memorandum dated 15 June 2023 regarding the deferral of expert conferencing and evidence exchange.

**Introduction**

1. By memorandum dated 15 June 2023, counsel for Council advised that an extension to the decision date for PC12 to 31 December 2024 has been sought from the Minister. The reason for that extension is so that the revised flood hazard and modelling currently underway, consequent upon the experiences of earlier this year, can be taken into account in the PC12 process after public notification of the. Proposed PC 14 (flooding) in early 2024.
2. Counsel noted that this would suggest a deferral to the second round of hearings for PC12 which are due to commence on 4 September 2023. However, that matter cannot be considered until the Minister’s decision is known which is expected within the next few weeks.
3. In the meantime expert conferencing and evidence exchange is scheduled for July / August 2023 and parties are spending significant time and resources on preparing for both conferencing and evidence exchange. Counsel seeks the suspension of those scheduled dates for a period of 2 weeks respectively so that the Minister’s decision can be taken into account and, if confirmed, parties’ views on a rescheduled hearing timetable considered by the Panel.
4. Counsel also advised that HCC will file a further memorandum by 30 June 2023 or within 2 days of receipt of the Minister’s decision (whichever is sooner) requesting, as necessary, updated procedural directions from the Panel – including any formal application to defer the hearing.
5. Counsel proposes that the current conferencing and evidence exchange timetable set by Direction #9 is vacated and the following substituted:
  - (a) Any further expert conferencing (if directed) is to take place during the week of 10 July 2023.
  - (b) The current timetable for the exchange of evidence is vacated and the following timetable is established:
    - (i) An updated Section 42A Report is to be lodged with the hearing coordinator by 5pm 21 July 2023;
    - (ii) Evidence on behalf of HCC is to be lodged with the hearing coordinator by

5pm 28 July 2023;

- (iii) Evidence on behalf of submitters is to be lodged with the hearing coordinator by 5pm 11 August 2023;
  - (iv) Reply evidence on behalf of HCC and of any submitters in response to other submitters' evidence is to be lodged with the hearing coordinator by 5pm 25 August 2023;
  - (v) All legal submissions relating to the substantive hearing are to be lodged with the hearing coordinator by 5pm 1 September 2023.
- (c) By no later than 30 June 2023 or within 2 (working) days of receiving the Minister's response Council is to file a further memorandum setting out whether updated procedural directions and/or a deferral of the hearing is requested.
  - (d) Within 5 days of HCC filing its updating memorandum, any party wishing to express a view on the proposed procedural directions, including any deferral of the hearing, shall file a memorandum with the hearing coordinator.
  - (e) After receiving all memoranda, the Panel will then issue a minute setting out its further procedural directions in relation to PC12. Those directions may include convening a pre-hearing conference to address any issues arising.
6. While the Panel acknowledges the uncertainty created for parties, it considers the request is a pragmatic response to that uncertainty and agrees that the proposed rescheduling will create sufficient headroom for either outcome of the Minister's decision – i.e. either PC12 can maintain its current schedule if the Minister declines the request or be reconsidered if granted.

**Directions:**

- 7. Paragraph 14 of Direction #9 of 3 March 2023 is amended as noted in paragraph 5 above.
- 8. Any queries or correspondence related to this Direction should be sent through to the Hearing Coordinator, Steve Rice at [steve@riceres.co.nz](mailto:steve@riceres.co.nz) .



David Hill (Chairperson)  
Independent Hearing Panel

16 June 2023