
RESOURCE MANAGEMENT ACT 1991

DIRECTION #16


INDEPENDENT HEARING PANEL

Purpose: The purpose of Direction #16 is to respond to Council's memorandum dated 29 June 2023 requesting deferral of the scheduled September substantive hearing pending notification in 2024 of proposed PC14.

Introduction

1. By memorandum dated 29 June 2023, counsel for Council has requested the IHP to defer the substantive hearing on PC12 scheduled to commence on 4 September 2023 until later in 2024. The reason for that request 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 proposed PC 14 (flooding) in early 2024.
2. In the Panel's Direction #15 we noted this prospect but cautioned that we could not consider that option until the Minister had agreed to an amended timetable for decision. As noted in counsel's Memorandum, that decision is not expected until later in July 2023 – which Council considers too late for the purpose of advising all parties and their consultants etc.
3. The underlying reasons for the deferral request are outlined in the memorandum and are not repeated here. That memorandum is to be made available to all parties together with this Direction.
4. We note that counsel advises that compliance with the Minister's direction issued under s.80L RMA is a matter for HCC not the IHP – and we should therefore put that matter aside and consider the efficient and integrated resource management merits of the proposed deferral. While that is legally correct, of course, if the IHP does not complete its task in a timely manner then Council's ability to comply is necessarily constrained.
5. In order to allow parties to respond to Council's request, counsel proposes the following:
 - (a) Any party seeking to address the Panel on the deferral request is to lodge submissions with the Hearing Administrator by 4pm 5 July 2023;
 - (b) HCC is to lodge any response with the Hearing Administrator by 4pm 7 July 2023;
 - (c) The Panel will issue a determination on the deferral request as soon as possible thereafter.

6. The Panel accepts that proposed timetable and invites submissions accordingly – and will direct any further amendment to the revised exchange timetable set out in Direction #15 as soon as practicable thereafter, as noted in paragraph 5 of that Direction.
7. Any queries or correspondence related to this Direction should be sent through to the Hearing Coordinator, Steve Rice at steve@riceres.co.nz .

A handwritten signature in black ink, appearing to read 'David Hill', with a large, sweeping initial 'D'.

David Hill (Chairperson)
Independent Hearing Panel

30 June 2023