
RESOURCE MANAGEMENT ACT 1991

DIRECTION #17

INDEPENDENT HEARING PANEL

Purpose: The purpose of Direction #17 is to indicate the Panel's response to Council's request for deferral of the scheduled September substantive hearing pending notification in 2024 of proposed PC14 following receipt of submissions from submitter parties.

Introduction

1. The Panel received 5 submissions in response to its Direction #16 inviting comment on Council's hearing deferral request. Those submission both supported (with qualification) and opposed the hearing deferral sought.
2. Counsel for Council provided a response submission on 7 July 2023, responding to those submissions, maintaining the request unchanged and seeking directions as follows:
 - (a) The PC12 expert conferencing and evidence exchange timetable set by Direction #15 is vacated;
 - (b) The substantive hearing of PC12 scheduled to commence on 4 September 2023 is vacated; and
 - (c) Within two weeks of receiving a response to its deferral request from the Environment Minister, HCC is to file via the Hearing Administrator a reporting memorandum which shall include a suggested timetable for the resolution of PC12.
3. The Panel notes Mr Allan's submissions for Foodstuffs North Island Limited and Kāinga Ora on the question of the probity of the Panel making a decision to defer ahead of the Minister's decision on Council's extension request. As we noted in Direction #16, while we accept that Mr Muldowney is legally correct in his submission that the matter is ultimately one for Council rather than the Panel, we consider it is both more prudent and appropriate to suspend the timetable for a set period to allow further time for the Minister's decision to be received – which, we understand, is anticipated late July.
4. The Panel therefore agrees to:
 - (a) Vacate the PC12 hearing due to commence on 4 September 2023;
 - (b) Suspend the timetable for 20 working days until Tuesday, 8 August 2023 (that includes scheduled expert conferencing lest there be any doubt);
 - (c) Require the Council to report on whether an extension has been granted:

- (i) Within 2 working days of receiving the Ministers decision; OR
- (ii) Before the last day of the suspension;

whichever is the earlier.

- 5. In the event that the Minister declines Council's extension request, the above report should include a suggested revised timetable for the completion of PC12.
- 6. Upon receipt of that report, the Panel will convene to make a decision as to whether to grant a further suspension; set PC12 down for hearing with adjusted timetabling dates commencing this year; or defer the substantive hearing of PC12 to next year.
- 7. Directions are made accordingly.
- 8. Any queries or correspondence related to this Direction should be sent through to the Hearing Coordinator, Steve Rice at steve@riceres.co.nz .



David Hill (Chairperson)
Independent Hearing Panel

10 July 2023