

IN THE MATTER of the Resource Management Act 1991 (RMA)

AND

A Hearing of Application No: RC-2022-0032 Stopbank Raising and
Construction Waiho River

DIRECTION 3 FROM THE HEARING COMMISSIONER

1. In response to my Direction 2 (dated 21 April 2023) I have received a Memorandum of Counsel on behalf of the Applicant (dated 30 May 2023) advising that they have conferred with the West Coast Regional Councils Consents and Compliance Manager, counsel for the Submitter and the Section 42A officer to determine an appropriate hearing date.
2. The memorandum also states that the Applicant consents (under section 37 of the RMA) to extend the 130 working day time period in section 91A and the 45 working day time period in section 103A (including to more than double these time frame in accordance with section 37A(5)).
3. My consideration of the matters raised in this memorandum are set out in the following paragraphs.
4. Section 37A(5) specifies the requirements for time frame extensions to applications for a resource consent that exceed twice the maximum time period specified in the RMA. The request made by the Applicant relates to the time frames within which the Applicant may request the processing of their Application to be suspended (section 91A) and within which a hearing must be completed (section 103A).
5. The Applicants request that the processing of the Application be suspended under section 91A was previously made in their Memorandum dated 14 April 2023 and was approved by me in my Direction 2 (21 April 2023).
6. In their memorandum of 30 May 2023 the Applicant agrees to an extension of the timeframes and provides reasons for that. The Submitter has not provided any information directly to me however the Applicant states they have conferred with counsel for the Submitter regarding the proposed new timetable in their memorandum. On that basis, having regard to the matters in Section 37A(5) (which include the matters in Section 37A(1)), the interests of the parties to this consent hearing and the wider community are best served by extended time frames that allow for the hearing to progress in accordance with the Applicants memorandum. Based on the information I have received this is the earliest time within which the hearing can now occur.

7. Accordingly, the following directions are made:

- a. Pursuant to section Section 103B(2) of the RMA the section 42A report must be provided to all parties to the hearing on or before **4pm, Wednesday 5 July 2023**.
- b. Pursuant to section 103B(3) of the RMA, the Applicant is to provide written briefs of all their evidence to the Council no later than **12pm, Wednesday 12 July 2023**. The Council will provide a copy to all other parties to these proceedings by way of email later that same day.
- c. Pursuant to section 103B(4) of the RMA, if the Submitter intends to present expert evidence at the hearing, including expert planning evidence, then that party is to provide a written brief of that expert evidence to the Council no later than **12pm, Thursday 20 July 2023**. The Council will provide a copy to all other parties to these proceedings by way of email later that same day.
- d. A one day hearing will take place at
9.30am Friday 28 July 2023
Grey District Council
105 Tainui Street, Greymouth 7805

8. The Commissioner will read the evidence prior to the hearing.

Presentation of Evidence at the Hearing

9. Pursuant to s41C(1) of the RMA, in respect of expert evidence pre-circulated in accordance with these Directions, the hearing will be conducted in the following manner:
- The section 42A report(s) will be taken as read;
 - The applicant or submitter that have provided the pre-circulated evidence is to call the witness in person;
 - The witness should be introduced and asked to confirm his or her qualifications and experience;
 - The witness should be asked to confirm the matters of fact and opinion contained in the brief of evidence;
 - The witness will then be given an opportunity to draw to the attention of the Commissioner the key points in the brief. No new evidence shall be introduced, unless it is specifically in response to matters raised in other pre-circulated briefs of evidence supplied by another party – in such cases the new evidence shall be presented in written form as an Addendum to the primary brief of evidence and it may be verbally presented by the witness. If there is any variation between what the witness says and what is in the brief of evidence, the Commissioner will assume that the written brief is the evidence unless the content of the brief is specifically amended by the witness;
 - The witness may then be questioned by the Commissioner.
10. Non-expert evidence (including submitter lay evidence and legal submissions) should be tabled and read aloud on the day that the relevant party appears at the hearing.

Site Visit

11. The Commissioner is intending to carry out a site visit before the hearing to become familiar with the area in which the proposed activity will occur. During the site visit, he will not speak to any of the parties directly about the application's merits. However, if there is anything the parties want to be observed during that site visit they should provide that information to the Councils Business Support Officer at the e-mail address given below on or before Friday 21 July 2023.

End of Suspension

12. I have taken the Applicants request for the hearing timetable, and my agreement to that (as set out above) to also be a request to end the suspension to the processing of the consent application, recognising that there has also been an agreed extension to the processing timeframes. Therefore pursuant to section 91B of the RMA, the suspension to the processing of this application ceases as at the date of these Directions.

13. Any enquiries regarding these Directions or the hearing process should be directed to:
Rasela Barrow
Business Support Officer
West Coast Regional Council
rasela.barrow@wcrc.govt.nz



Peter Callander
Independent Commissioner - Chair

8 June 2023