

**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 5 FROM THE HEARING COMMISSIONER**

1. The hearing for this consent application commenced in Greymouth on 28 July 2023 attended by representatives of the Applicant, the Submitter and the s42A officer. During the course of the day, it was apparent that there was constructive interaction between the parties and a willingness to work together to clarify the management and supervision that is occurring on the stopbank construction works that are currently progress and on the preparation of a set of draft consent conditions for me to consider when preparing my decision. Therefore, at the end of that day, and with the agreement of the parties, I adjourned the hearing so that the parties could provide further information to inform the decision I will make.
2. More specifically, the information to be provided relates to the following issues:
  - a. At the present time stopbank construction works are in progress based on the view of West Coast Regional Council that they need to be undertaken as Emergency Works allowed by s330 of the RMA. Clarification is sought as to how those works are being managed and supervised, both for the works that have been undertaken to date and the future works that will be carried out prior to a final determination being made on this consent application.
  - b. At the present time, three versions of potential consent conditions are being proposed: one from Ms Kane (the s42A reporting officer), one from Mr Glasson (the Applicants planning witness) and one from Mr Johnston (the Submitters legal counsel). It was agreed that the parties would work together to seek as much agreement as possible regarding the consent conditions and prepare a joint memorandum regarding the consent conditions.
3. In my view it is not ideal for the stopbank construction works to be carried out without a decision having been made on the consent applications related to that work, so the sooner these tasks can be completed, the sooner a decision can be reached. Therefore, whilst the timeframe given in the following Directions is what was proposed by the parties on 28 July, they should be treated as the maximum available timeframe and if the tasks can be completed sooner that would be very helpful.
4. Accordingly, the following Directions are made:

**Task1**

The Applicants legal counsel will prepare a document setting out how the current stopbank construction works are being managed, inspected and approved and how the documentation of that management and approval process is being recorded, both for the works that have been completed to date and whether any changes to those activities will be made between now and when a final determination on this consent application will be made. This information will be based on the Construction Contract, the Construction Management Plan and the proposed consent conditions that have been put forward by Ms. Kane, Mr Glasson and Mr Johnston, along with any additional suggestions that the Applicants legal counsel shall seek from Ms Kane and Mr Johnston. This will be collated into a single document that identifies the following:

- i. Measures being implemented that are specified in the Construction Contract, the Construction Management Plan and the Proposed consent conditions
- ii. Additional measures agreed to, based on discussion with Ms Kane and Mr Johnston

- iii. Additional measures suggested by Ms Kane and Mr Johnston, but not agreed to by the Applicant along with the reasons for that disagreement.

This document will be submitted to Ms Rasela Barrow by **12pm on Wednesday 9 August** so that she can distribute it to all parties later that day.

**Task 2**

- a) Ms Kane and Mr Glasson will prepare a set of consent conditions identifying conditions they agree on, conditions they disagree on along with their respective wordings and the reasons for that disagreement. This document will also identify which of these proposed conditions are a standard wording utilised by West Coast Regional Council. This will be provided to the Submitters legal counsel by **12pm on Friday 18 August, or earlier**. Ms Barrow will be advised by either Ms Kane or Mr Glasson when this document has been sent to Mr Johnson and pass that information onto me so that I can track the progress of these tasks.
- b) Mr Johnston will add his comments to these proposed consent conditions and provide those comments to the Applicants legal counsel by **12pm on Friday 1 September, or earlier**. Mr Johnson will advise Ms Barrow when this document has been sent to the Applicants counsel and pass that information onto me so that I can track the progress of these tasks.
- c) The Applicants legal counsel will collate a single document setting out the consent conditions that are agreed between the parties as well as each of the parties alternative wording, where there are points of disagreement and the reasons for that disagreement. That document will be provided to Ms Rasela Barrow by **12pm on Friday 8 September, or earlier**, so that she can distribute the document to all parties later that day.

**Task 3**

The Applicants Right of Reply for this hearing will be provided in writing to Ms Rasela Barrow by **12pm on Friday 15 September, or earlier**, so that she can distribute the document to all parties later that day.

5. Any enquiries regarding these Directions or the hearing process should be directed to:  
Rasela Barrow  
Business Support Officer  
West Coast Regional Council  
[rasela.barrow@wrc.govt.nz](mailto:rasela.barrow@wrc.govt.nz)



Peter Callander  
**Independent Commissioner - Chair**

**31 July 2023**