

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of Variation 3 – Taiwawe Catchment Structure  
Plan, to the Proposed Thames Coromandel  
District Plan by Hot Water Beach NZ Ltd

#### **FOURTH DIRECTION OF THE HEARING COMMISSIONERS**

1. Further correspondence has been received from Mr Martin Williams, legal counsel for the proponent of the Variation seeking further directions. We refer to the Memorandum of Counsel for Hot Water Beach (NZ) Ltd Seeking Further Directions, dated 9 April 2021.
2. Mr Williams states the purpose of his Memorandum is to raise a procedural matter regarding the prospect of the Council commissioning peer review reports in relation to both ecology and hydrology. Directions are sought on the question of whether expert peer review reports of that nature are able to be received for consideration at the resumed hearing. Mr Williams points out that is in the context of the proceedings to date in relation to Variation 3 and the currently adjourned hearing.
3. In the light of the various directions, the correspondence and the actions of the parties to date in this matter, Mr Williams requests that we issue further directions on this issue.
4. By way of a response, we confirm our Third Direction regarding the process to be followed leading to the reconvened hearing.
5. We also point out that we have no part in what Mr Baker states in his email of 7 April 2021 or any actions that he or the Council's reporting planner may take. We do however consider that the time for receiving reports from the Council has now passed. As part of the normal process of hearings under the Resource Management Act 1991, the Council officers will have the opportunity to provide comments to us at the hearing and before the applicant's right of reply. That may include a written commentary on what has been presented at the hearing.
6. In accordance with our Third Direction we will receive, in due course, a report from the independent facilitator regarding the pre-hearing meeting and then proceed to the hearing regarding the Variation.
7. Whilst we do not want to get drawn into responding to a range of questions or statements from Mr Williams, we do state to be helpful to all the parties, that if the hearing indicates to us that any peer review reports, or other information is required for us to make a recommendation to Council on the Variation then we would, as may reasonably be expected, call for such reports. At this stage, we are not calling for any reports, but we wish to make it clear to all parties that we reserve the right to request

further reports after hearing the evidence if we are not satisfied that we have sufficient evidence before us to make an informed decision.

8. In the above respects then, and in accordance with our Third Direction, the expert evidence from submitters is due today, Friday 16 April 2021, following which a pre-hearing meeting will be arranged by the Council and the hearing reconvened.

A handwritten signature in black ink, appearing to read 'AR Watson', written in a cursive style.

AR Watson  
for the Hearing  
Commissioners

16 April 2021