

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

SECOND DIRECTION OF THE HEARING COMMISSIONERS

1. The hearing for this Variation was commenced on Monday 15 March 2021 at the Council's Mercury Bay Service Centre in Whitianga in accordance with the advice in the earlier Direction of the Hearing Commissioners dated 16 February 2021.
2. It was apparent from proceedings leading to the hearing and from the exchange of views between the Commissioners and the parties (the proponent, the submitters, and the Council's section 42A RMA report author) at the commencement of the hearing that certain actions had resulted in all the parties effectively not having all the relevant information in the manner that could reasonably be expected at the commencement of the hearing. The Commissioners record they see that situation not being the fault of any party or a matter that needs debate. Rather, a process needs to be set that allows the hearing to proceed in an effective manner.
3. Such a process was the focus of discussion between the Commissioners and the parties at the start of the hearing that results in the below programme, which we record in this Second Direction to ensure there is no doubt regarding the details of it. The hearing was accordingly adjourned without any formal presentations, those to come when the hearing is reconvened.
4. We note that expert evidence had been pre-circulated before the hearing, but it was apparent that the parties saw some merit in being able to provide further expert evidence to explain matters, that could include the changes to the Variation.
5. The Commissioners direct, consistent with section 41C of the RMA, as follows:
 - (a) Any further information and/or expert evidence to be called at the hearing by the proponent (Hot Water Beach NZ Ltd) for the Variation is to be provided to the Council's Hearings Advisor by **midday on Thursday 1 April 2021** for circulation by the Council to the Commissioners, the submitters, the further submitters, the Council's section 42A RMA report author and to Bruce Baker, the Senior Policy Planner at Council.
 - (b) Any submitter or further submitter who intends to call expert evidence at the hearing (generally being evidence given by a professional with specialist qualifications and experience) is to provide that expert evidence to the Council's Hearings Advisor by **midday on Friday 16 April 2021** for circulation by the

Council to the Commissioners, other submitters, other further submitters, the Council's section 42A RMA report author and to Mr Baker.

- (c) Expert evidence should be sent to the Council's Hearings Advisor by email to Hillary Hodges at hillary.hodges@tcdc.govt.nz
 - (d) The section 42A RMA report author would then provide a "bullet point" summation of the matters raised in the expert evidence that could be used as a basis for a meeting between the parties to the hearing. That summation is to be provided to the Council's Hearings Advisor by **midday on Friday 23 April 2021** for circulation to the Commissioners, the submitters, the further submitters and to Mr Baker.
 - (e) The Commissioners ask that Mr Baker then arrange a meeting between the proponent, the submitters, the further submitters, and the Council's section 42A report author in order to explore any points of agreement. That meeting should be convened by an independent facilitator appointed by the Council. Following the meeting, the independent facilitator would provide a report on the meeting for circulation to the Commissioners, the submitters, the further submitters, the section 42A RMA report author and Mr Baker. The meeting and the report are expected to be completed by the end of May. We record that arranging the meeting is no indication of any future decision on the Variation and on the submissions to it, but is an idea that was raised at the commencement of the hearing and seen to potentially be of value to the process.
 - (f) The hearing will then be reconvened at the earliest opportunity.
 - (g) The section 42A RMA report author is to provide a short summary statement 5 working days prior to the reconvened hearing setting out with reasons whether the author has changed or modified the recommendation in her section 42A RMA report.
6. This Direction is to be circulated to all the parties to the hearing by the Council's Hearings Advisor. That may be by email.

Any enquiries regarding this Direction or related matters should be directed to Bruce Baker, Senior Policy Planner at bruce.baker@tcdc.govt.nz



AR Watson
for the Hearing
Commissioners

18 March 2021