

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

THIRD DIRECTION OF THE HEARING COMMISSIONERS

1. Following the distribution of the Second Direction of the Hearing Commissioners dated 18 March 2021 we have been advised of a matter that would usefully be addressed which we now do.
2. Elisabeth Resl, the section 42A RMA report author for the Council, has expressed a desire *inter alia* to not be asked to provide a summary of the matters raised in the expert evidence that could then be used as a basis for the meeting between the parties, in accordance with our Second Direction. We acknowledge Ms Resl wanting to maintain her independence from any arrangements for a meeting of parties to the hearing and we agree that it is then preferable that she does not provide the summary as we had earlier directed.
3. We acknowledge the reasons that have been advanced for her view and, also, the professional approach Ms Resl has adopted in this matter.
4. We however maintain a similar process to that set out in our Second Direction by now essentially convening a pre-hearing meeting, in general accordance with Clause 8AA of Schedule 1 to the RMA. We wish to ensure due process is followed and because:
 - there have been changes to the Proposed Variation since notification;
 - those changes have meant a further section 42A RMA report has been prepared (that including a similar recommendation to the initial section 42A report);
 - there being concerns by some parties regarding the pre-circulation of expert evidence for both the proponent and the submitters; and,
 - all parties not being fully informed of all relevant details

we now address these matters by the process directed below.

5. Accordingly, we state that parts 5(d), (e), (f) and (g) of our Second Direction will no longer apply. Instead, following the receipt of all the expert evidence, in accordance with our Second Direction, we now direct the Council, through Bruce Baker the Council's Senior Policy Planner, to invite the applicant and the submitters, including the further submitters, to meeting with a view to clarifying or facilitating the resolution of matters associated with the Proposed Variation. In particular, the meeting is to ensure that all the parties have all the information available to advance to the hearing and to provide for clarification of any matters that may be required. In this respect, we note again, the range of changes that have been made to the Proposed Variation

since its lodgment with the Council.

6. Mr Baker would attend the meeting and Ms Resl is invited to attend.
7. The Council will appoint an independent person to chair the meeting and to prepare a report on the meeting.
8. Following the meeting and the receipt of the report on the meeting, the hearing will be reconvened at the earliest opportunity.
9. This Third Direction is to be circulated to all the parties to the hearing by the Council's Hearings Advisor, Hillary Hodges. That may be by email.

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

A handwritten signature in black ink, appearing to read 'AR Watson', with a stylized, cursive script.

AR Watson
for the Hearing
Commissioners

22 March 2021