

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

An application made to Hawke's Bay Regional Council (HBRC)

(Consent Authority)

BY

Tuki Tuki Awa Limited, Buchanan No. 2 Trust, Plantation Road Dairies Limited, Te Awahohonu Forest Trust, I and P Farming Limited, Springhill Dairies Partnership, Papawai Partnership and Purunui Trust

(Collectively, the Applicant)

For the hearing of various applications for resource consents associated with the taking and use of Tranche 2 Groundwater in the Tukituki catchment

FINAL MEMORANDUM TO PARTICIPANTS

Closing of the Hearing

14 December 2022

RIGHT OF REPLY

- 1 The Applicants' right of reply was received on 1 December. It comprised closing legal submissions, a revised set of proposed conditions with further mitigation proposed. It also included "short reply statements of evidence" from Mr Weir and Dr Keesing, along with a further memorandum from Ms Rabbitte.

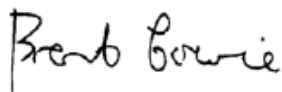
2 Mr Matheson sought retrospective leave for reply evidence to be provided. In our view it should have been sought in advance. We will however consider that reply evidence to the extent that it is strictly in reply. We do not want to question any witnesses for the Applicant any further.

3 Mr Matheson also suggested that further conferencing could occur between experts, or on conditions of consent if Council staff thought it might be helpful. As part of the latter, he suggested we could make an “interim decision”, presumably that the consents would be granted.

4 We see none of these actions as necessary or desirable. It is our role, not the staff of the Council, to determine what now happens. Making an “interim decision” is poor practice, most notably because appeals are likely on such a decision.

CLOSURE OF THE HEARING

5 We consider we have all the necessary information to make a decision, and so we are closing the hearing as of today, Wednesday 14 December. Accordingly, our decision will be issued no later than 26 January 2023.



Signed by Brent Cowie (Chair)
on behalf of the Hearing Panel