

BEFORE THE HAWKE'S BAY REGIONAL COUNCIL

UNDER The Resource Management Act 1991 (RMA)
IN THE MATTER of an application by **RAVENSDOWN LIMITED**
(Ravensdown) for new and replacement water and
discharge permits for the operation of the Napier Works
and the establishment of a habitat enhancement
project.

**MINUTE OF CHAIR OF HEARINGS PANEL
REGARDING PROGRESSION OF APPLICATION TO HEARING**

Dated 28 October 2022

Background

1. This Minute has been prepared further to my previous Minute (dated 13 September 2022) and the pre-hearing meeting chaired by three members of the Hearings Panel on 27 September 2022.
2. As recorded in that meeting report (**Pre-Hearing Report**), all issues raised and discussed at that pre-hearing meeting were substantially resolved (other than consent duration), as between the respective party technical experts and submitters.
3. Further to the outcomes and actions recorded in Pre-Hearing Report, Ravensdown has filed additional information and revised consent conditions reflecting the substantive outcomes reached at the pre-hearing meeting (the **Revised Conditions**), which were circulated to the parties on Monday, 10 October 2022.
4. Also further to the Pre-Hearing Report,¹ all other parties including the Council processing team were to advise by 5.00 pm Friday, 20 October 2022 as to whether:
 - (a) Any specific additional wording changes to the Revised Conditions are sought by them; and/or
 - (b) They continue to wish to be heard regarding any outstanding issues remaining at that point.
5. Council has advised the Panel that only one (interim) response was received (from Forest and Bird) - with a substantive response yet to be received. The Panel is aware of communications between Mr Ball and the applicant's consultant team on certain issues between them.
6. For its part, Ravensdown has submitted a memorandum proposing timetabling directions for the exchange of evidence on an "exceptions" basis.²
7. The Panel understands that all parties have been invited by the Council (through Mr Miller) to make comment on the proposed timetable directions in that memorandum, and that no comments have been received.

¹ Paragraph 71 of the Pre-Hearing Report.

² Memorandum of counsel for Ravensdown, 10 October 2022.

8. The Council has also advised the Panel that the s 42A report is nearly complete and ready for release to the parties.
9. In light of the good progress made by all parties in working to resolve issues (as documented in the Pre-Hearing Report), and the absence of any objections by other parties, the Panel agrees with Ravensdown's proposal to proceed to Hearing on an "exceptions basis" with evidence confined only to those matters that are not agreed.
10. Accordingly, the Panel makes the following directions, with the intent that any and all outstanding issues between the parties can be fairly addressed at the hearing scheduled for 28 and 29 November 2022.

Directions

11. Section 42A report to be completed and circulated to all parties by 5pm Monday, **31 October 2022**.
12. Any further responses by submitters on the Revised Conditions and additional information (as circulated on 10 October 2022) to be sent to Nadene.Savage@hbrc.govt.nz, by 5.00 pm Wednesday, 2 November 2022 including advice as to whether:
 - (a) Any specific additional wording changes to the Revised Conditions are sought by them ; and/or
 - (b) They continue to wish to be heard regarding any outstanding issues remaining at that point.
13. Applicant to provide evidence³ in relation to issues identified as not agreed (in the Pre-Hearing Report, s 42A report and/or any further advice received from the other parties by 2 November 2022) by 5.00 pm Friday, **11 November 2022**.
14. Submitters to provide evidence⁴ in relation to outstanding issues identified (in the Pre-Hearing Report, s 42A report and/or any further advice received from the other parties by 2 November 2022) by 5.00 pm Friday, **18 November 2022**.
15. For the avoidance of doubt, the Panel adopts the applicant's proposed "exceptions" basis to evidence which should be confined only to those matters that are not agreed as between the respective experts and parties, as identified in the Pre-Hearing Report, s 42A report or any

³ By email, to Nadene.Savage@hbrc.govt.nz.

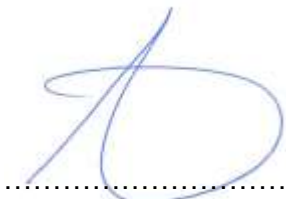
⁴ By email, to Nadene.Savage@hbrc.govt.nz.

further notice given by submitters (as directed, ie by 5.00 pm, 2 November 2022).

16. If any submitter has not provided the advice directed by 5.00 pm, 2 November 2022 that matters remain outstanding from their perspective, it will be assumed by the Panel that they agree with the Revised Conditions as now proposed and do not wish to be heard at the hearing, on the understanding the respective resource consents would be granted subject to the Revised Conditions.

17. If any party wishes to raise any matter arising with respect to the directions made in this Minute, they should do so (again) by 5.00 pm Wednesday, 2 November 2022, addressing that correspondence to Nadene.Savage@hbrc.govt.nz.

Dated: 28 October 2022



.....
Martin Williams
Chair of Hearings Panel