

**IN THE MATTER** of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of **300 Riverview Road, Huntly** (APP144475 and LUC0488/22)  
Gleeson Manged Fill Limited seeks consent to establish and operate a managed fill disposal activity. District and regional land use consents are required.

### **DIRECTION FROM THE HEARING PANEL**

1. Pursuant to section 34 and 34A of the RMA, Waikato District Council and Waikato Regional Council ('WDC and WRC') have appointed a Hearing Panel for the joint hearing of an application by Gleeson Managed Fill Limited. This Panel currently consists of independent hearing commissioners – Mrs Cherie Lane (Chairperson) and Mr Shane Solomon. The Hearing Panel's function is to hear the application and submissions and to make a decision on the proposal. It may also direct timeframes for evidence exchange (section 41B of the RMA).
2. Notice of the time and venue for the hearing of this application was given by WDC and WRC (letter dated 13<sup>th</sup> October 2022) to the applicant and submitters. The hearing is set down for Monday 28<sup>th</sup> November 2022 through to Thursday 30<sup>th</sup> November 2002, at the Huntly War Memorial Hall, Huntly.
3. A schedule for the timeframe of pre-circulation of evidence was also detailed in this advice, as follows:
  - s42A report due 5pm on the 4th November 2022
  - All parties to identify the EXPERT evidence they are to call – 5pm on the 11th of November 2022
  - Applicants EXPERT evidence in chief due - 5pm on the 11th November 2022
  - Submitter EXPERT evidence – 5pm on the 18th November 2022
  - It is further requested that any legal submissions, are made available on Friday 25 November by 4pm, to enable the Commissioners to pre-read them before the hearing.

#### ***Timeframe Extension – Hearing Dates***

4. WDC and WRC had originally appointed a third Commissioner (Mr Wayne Donovan) as part of this Panel, as is required for an application of this nature. Recently, and after his appointment, Mr Donovan has advised that due to unforeseen circumstances he is no longer available as Commissioner. Mr Donovan has expertise in water quality matters, considered to be of particular relevance to the consideration of this application. WDC and WRC have therefore sought to identify and secure a replacement Commissioner, with appropriate expertise. This unexpected change to the Panel composition and the extended timeframe associated with this process

means that the existing hearing dates will need to be vacated. New hearings dates are necessary to accommodate the availability of the replacement Panel member.

5. WDC and WRC advise (in accordance with s37A(1) RMA) that the hearing will now commence on the 6th December 2022 and be held through to 8th December 2002. The venue remains the same, at the Huntly War Memorial Hall, Huntly. This change to the date of the hearing would, it is understood, result in the timeframe in which a hearing must close (after the close of submissions), being exceeded (as a publicly notified application, being 75 working days).
6. In light of these unforeseen timing circumstances, the date by which this hearing is to be closed should be extended, to Thursday 22 December 2022. This will allow for any adjournments that may be considered necessary by the Panel. This extension would not exceed the doubling of the timeframe for the closure of this hearing. Advice of these timeframe extensions has been provided to the applicant by WDC and WRC (**Attachments 1 and 2**, respectively).
7. In their advice, WDC and WRC, as the consent authorities, have stated that, for the following reasons, special circumstances, in accordance with s37A(4)(b)(i), apply in this situation. "Special circumstances" in this case include that one of the commissioners has had to unexpectedly excuse themselves from the proceedings and as WRC is required by legislation to provide a third panel member, additional time has been required to secure this panel member replacement.
8. WDC and WRC have addressed the statutory requirements of s37 RMA, advising that the interests of any person who may be directly affected by this extension have been taken into account in accordance with s37A(1)(a). It is considered that those persons who may be affected by this short extension would be the applicant and to a lesser degree submitters who wish to be heard, given that the notice of hearing has already been circulated. It is not considered that these parties would be significantly disadvantaged in this situation because the delay is minimal, at only one further week, with the receipt of pre-circulated evidence yet to occur. It is considered that this extension would be in the interest of the community in obtaining an adequate and appropriate assessment of the effects, as specified in s37A(1)(b). And that this extension does not constitute an unreasonable delay in terms of s37A(1)(c). The Panel concurs with this proposed timeframe extension.

#### ***Revised Timetable for Pre-circulation of Evidence***

9. With a new hearing date being set, as above, the Panel considers that a revised schedule for the exchange of evidence is appropriate and reasonable. Accordingly, the amended timetable for the pre-circulation of evidence is as follows:
  - WRC and WDC s42A reports due Monday 14 November 2022 by 5.00pm
  - Applicant's evidence due Monday 21 November 2022 by 5.00pm
  - Submitters expert evidence due Monday 28 November by 5.00pm
  - Submitters non-expert evidence is requested Friday 2 December 2022 by 4.00pm
  - Legal submissions are requested Friday 2 December 2022 by 4.00pm

10. Any enquiries regarding this Direction or related matters should be directed to Mr Steve Rice, Hearings Advisor, at [steve@riceres.co.nz](mailto:steve@riceres.co.nz) and copied to: [Democracyservices@waikatoregion.govt.nz](mailto:Democracyservices@waikatoregion.govt.nz)



Cherie Lane  
Independent Joint Hearings Panel Chair  
4<sup>th</sup> November 2022

Your Ref

In reply please quote  
LUC0488/22

If calling, please ask for  
Wade Hill

04 November 2022

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Dear Sir/Madam

## EXTENSION OF TIME LIMIT

<b>Application Number(s)</b>	<b>LUC0488/22</b>
<b>Applicant</b>	<b>Gleeson Managed Fill Limited</b>
<b>Address</b>	<b>310 Riverview Road HUNTLY</b>
<b>Proposed Activity</b>	<b>To establish and operate a managed fill and overburden disposal activity that imports material to deposit within identified gullies (Fill Areas 2-4) located north of an existing quarry within the same site.</b> <b>To undertake soil disturbance of a piece of land (within Fill Area 3) as per the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health</b>

Section 37 of the Resource Management Act 1991 (RMA) allows Council to extend time limits. The Council may extend timeframes pursuant to Section 37(4) if the time period extended does not exceed twice the maximum period and special circumstances apply.

The date by which Council must close the hearing is 1 December 2022 (75 working days after the close of submissions). However, I advise that Council is extending this time limit with the new date being Thursday 22 December 2022.

For this extension of time Council resolve:

That according to section 37A of the RMA, the Waikato District Council, under delegated authority pursuant to section 34A(1) RMA, extends the time period for the closure of the hearing from 1 December 2022 to 22 December 2022

The reasons for the extension are:

- The new proposed date for the closure of the hearing does not exceed double the statutory timeframe.
- The special circumstances are that one of the commissioners has had to unexpectedly excuse themselves from the proceedings and as WRC is required by legislation to provide a third panel member, additional time has been required to secure this panel member replacement.
- The Council has taken into account the matters specified in Section 37A(1). The interests of any person who may be directly affected by this extension have been taken into account in accordance with s37A(1)(a). It is considered that those persons who may be affected by this short extension would be the applicant and to a lesser degree submitters who wish to be heard, given that the notice of hearing has already been circulated. It is not considered that these parties would be significantly disadvantaged in this situation because the delay is minimal, at only one further week, with the receipt of pre circulated evidence yet to occur. It is considered that this extension would be in the interest of the community in obtaining an adequate and appropriate assessment of the effects, as specified in s37A(1)(b). And that this extension does not constitute an unreasonable delay in terms of s37A(1)(c).

If you have any further questions or concerns regarding this matter please contact Wade Hill.

Yours faithfully

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

**Wade Hill**  
**Consents Team Leader**

## Attachment 2: WRC Advice of Timeframe Extension

**From:** Sheryl Roa <[Sheryl.Roa@waikatoregion.govt.nz](mailto:Sheryl.Roa@waikatoregion.govt.nz)>  
**Sent:** Friday, 4 November 2022 4:27 PM  
**To:** Kate Madsen <[kate@pauaplanning.co.nz](mailto:kate@pauaplanning.co.nz)>  
**Cc:** [wade.hill@waidc.govt.nz](mailto:wade.hill@waidc.govt.nz)  
**Subject:** APP144475 - Gleeson Managed Fill Ltd S37 Timeframe Extension s37A(4)(b)(i),

Kia ora Kate,

WRC had originally appointed a third Commissioner (Mr Wayne Donovan) as part of this Panel, as is required for an application of this nature. Recently, and after his appointment, Mr Donovan has advised that due to unforeseen circumstances he is no longer available. Mr Donovan has expertise in water quality matters, considered to be of particular relevance to the consideration of this application. WRC is in the process of engaging a technical expert with similar expertise.

In light of these unforeseen circumstances, the date by which this hearing is to be closed is extended, to Thursday 22 December 2022. This will allow for a delay to the commencement of the hearing and any adjournments that may be considered necessary by the Panel. This extension would not exceed the doubling of the timeframe for the closure of this hearing.

WRC consider that, for the following reasons, special circumstances, in accordance with s37A(4)(b)(i), apply in this situation.

“Special circumstances” in this case include that one of the commissioners has had to unexpectedly excuse themselves from the proceedings and as WRC is required by legislation to provide a third panel member pursuant to the Waikato Tainui Raupatu (Waikato River) Settlement Act 2010, additional time has been required to secure this panel member replacement.

The interests of any person who may be directly affected by this extension have been taken into account in accordance with s37A(1)(a). It is considered that those persons who may be affected by this short extension would be the applicant and to a lesser degree submitters who wish to be heard, given that the notice of hearing has already been circulated. It is not considered that these parties would be significantly disadvantaged in this situation because the delay is minimal, currently timed to be only one further week, with the receipt of pre circulated evidence yet to occur. It is considered that this extension would be in the interest of the community in obtaining an adequate and appropriate assessment of the effects, as specified in s37A(1)(b) and that this extension does not constitute an unreasonable delay in terms of s37A(1)(c).

If you have any questions with respect to this email then feel free to email or ring me.

Nāku noa, nā

**Sheryl Roa** | PRINCIPAL CONSENTS ADVISOR | Regional Consents, Resource Use  
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