

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

AND

IN THE MATTER of the **PROPOSED WAIKATO REGIONAL COASTAL PLAN.**

DIRECTION (6) FROM THE HEARING PANEL

REQUEST FROM AQUACULTURE NEW ZEALAND AND THE COROMANDEL MARINE FARMERS' ASSOCIATION TO EXTEND THE DATE TO FILE REBUTTAL EVIDENCE.

1. This Direction responds to the Memorandum from Counsel on behalf of Aquaculture New Zealand and The Coromandel Marine Farmers' Association (AQNZ and the CMFA)¹. The request, is that the date for the filing of rebuttal evidence be extended until **21 February 2025** (as opposed to 5 February 2025 set out in Direction 4).
2. The Hearing Panel is aware having reviewed: the submissions, the section 42A reports, expert evidence, and the expert Joint Witness Statements, that the way in which the plan's provisions recognise and manage aquaculture activities will be a key matter before us.
3. Much of the request for additional time is related to AQNZ/CMFA's internal processes to obtain 'sign off' to any rebuttal evidence. We nonetheless acknowledge (for the reasons set out in the Memorandum) the time between the Addendum section 42A reports being available and the rebuttal evidence being due may not allow for AQNZ/CMFA "*to be in a position to provide evidence that is able to assist the Panel with its deliberations*".² We therefore agree to a time extension as set out below.
4. The situation outlined above will potentially apply to other submitters; particularly those who will also be addressing aquaculture related matters in rebuttal evidence. On this basis we do not think it appropriate to provide an extension to only AQNZ and CMFA as requested. Any extension needs to apply to other submitters addressing matters related to aquaculture.
5. Since issuing Direction 4, the Hearing Panel has released a draft hearings schedule.³ The specific topic of Aquaculture (addressed in the section 42A report titled - Section 42A Report: AQA - Aquaculture | Ahumoana) is not scheduled to be heard until early April 2025. However, there are a range of provisions across the plan that impact on aquaculture (that AQNZ, CMFA and others have submitted on) such as: natural character, natural features and landscapes; bio-

¹ Dated 28 November 2024.

² Paragraph 6 of the Memorandum.

³ Direction 5 – Draft Hearing Schedule dated 3 December 2024.

security; and ecosystems and indigenous biodiversity⁴. The first two of those topics are scheduled to be heard in the week commencing 25 February 2025.

6. If all of the rebuttal evidence from AQNZ and CMFA and other submitters was extended until 21 February 2025, there would be insufficient time to review that evidence (acknowledging we are not in a position to know at this stage how much and how extensive that evidence might be) prior to the hearings commencing 25 February 2025. On this basis the additional two and a half weeks sought by AQNZ and CMFA is likely to cause undue delay in the context of the entire Schedule 1 process.
7. Notwithstanding the above, we are prepared to accept a more limited extension to the rebuttal evidence date in relation to aquaculture related matters until **Monday 17 February 2025**. This will enable the Panel and any interested submitters to review the evidence prior to the commencement of other related topics on 25 February 2025. This extension of time will apply to all submitters addressing aquaculture related matters.
8. While the new rebuttal evidence date will not provide sufficient time for the Council to address these matters in its opening legal submissions, the Hearing Panel will enable the Council to address any legal issues arising from any aquaculture related rebuttal evidence at a later date.
9. Accordingly, the Hearing Panel directs:
 - (a) Any rebuttal evidence from submitters in relation to aquaculture related matters is to be emailed to the Hearings Administrator (at the email address below), no later than **5.00 pm Monday 17 February 2025**. It will then be made available to parties on-line as soon as possible.

Enquiries

10. Any enquiries regarding this Direction, or related matters, should be directed to the Council's Hearings Administrator, Mr Rice, at steve@riceres.co.nz or 021 1912346.



Greg Hill Chairperson
10 December 2024

⁴ Some of these topics have been discussed in expert conferencing.