

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

AND

IN THE MATTER of resource consent applications by **Gisborne District Council – Community Lifelines** for construction and upgrading of approximately 4.2 kilometres of stopbanks, associated earthworks, road raising, drainage and stormwater infrastructure, works within and adjacent to the Waipaoa River, temporary water take and discharge activities during construction, vegetation clearance, temporary access works, service relocations, and landscape planting and site reinstatement.

SECTION 41 RMA - DIRECTION #5

INDEPENDENT HEARING PANEL

PURPOSE

1. The purpose of this Direction is to record Commissioner Josh Wharehinga’s decision to recuse himself from the hearing and determination of the applications, and to confirm the resulting hearing arrangements.

BACKGROUND

2. Direction #4 disclosed that Maraea Cookson, who lodged a late submission on behalf of the Kewa/Katipa/Cookson whānau opposing the applications, is Commissioner Wharehinga’s mother. Direction #4 invited hearing participants to comment on the proposed management of that relationship.
3. On 25 September 2026, counsel for Gisborne District Council, in its capacity as applicant, filed a memorandum requesting that Commissioner Wharehinga recuse himself from the decision-making process. The memorandum raised concerns about apparent bias and the integrity of the resource consent process and submitted that the matters raised by the Kewa/Katipa/Cookson whānau submission could not be readily separated from the wider issues to be determined.
4. Commissioner Wharehinga has considered the relationship, the matters raised in the applicant’s memorandum, and the importance of maintaining confidence in the fairness and integrity of the hearing process. He has decided to recuse himself from all further participation in the hearing and determination of the applications.

5. The recusal is a procedural step taken to protect the integrity of the hearing process. No finding is made by the Panel as to actual bias or as to any beneficial interest in land referred to in the applicant's memorandum.

DIRECTIONS

6. Commissioner Wharehinga will take no further part in the hearing or determination of the applications. He will not attend the hearing, question witnesses, participate in any further procedural decisions or deliberations, or contribute to the final decision.
7. Direction #4 is superseded to the extent that it proposed that Commissioner Wharehinga would remain on the Panel subject to specified procedural arrangements.
8. The hearing will proceed as scheduled before the remaining commissioners, Cam Twigley (Chair) and David Hill.
9. Gisborne District Council, in their role of regulator, has provided the Panel with access to an independent cultural advisor as a contingency measure for Commissioner Wharehinga's recusal. The advisor will be utilised by the Panel if required and has no decision-making role.
10. At the commencement of the hearing, the Chair will place Commissioner Wharehinga's recusal, the revised composition of the Panel and related matters on the hearing record. Any party wishing to raise a procedural matter arising from the revised composition of the Panel may do so at that time.
11. Any enquiries regarding this Direction or related matters should be directed to the Council at NotifiedRC@gdc.govt.nz.



Cam Twigley (Chair)
Independent Hearing Panel

Date: 27 September 2026