

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 #2

INDEPENDENT HEARING PANEL

PURPOSE

1. The purpose of Direction #2 is to deal with procedural matters that have arisen in relation to late submissions and a request from the Council reporting officer to update the Council s.42A RMA report.

BACKGROUND

2. Section 4.2 of the s.42a RMA report for the application records that there were three late submissions received being:
 - Johanna King on behalf of Kenneth and Karen McLanachan – Oppose. Received at 4:28pm on 7 August 2026;
 - Johanna King on behalf of Pine Hollow Family Trust – Oppose. Received at 4:28 pm on 7 August 2026. This submission was further amended from Oppose to Support in Part on 3 September 2026; and
 - Lyn Brown – Support – Received at 9:00 am on 18 August 2026.
3. In section 4.2 of the s.42A report, the reporting officer states that they are satisfied that accepting the late submissions will not result in any material prejudice to any party and will assist in ensuring that all relevant views are considered.

4. An additional late submission was received on 14 September 2026 from Maraea Cookson on behalf of the Kewa/Katipa/Cookson whānau opposing the application.
5. Following review of the applicant's evidence, a request has been received from the Council reporting officer to clarify or expand some matters in the s42A report. The reporting officer advises that her overall position and recommendation has not changed, however the applicant's evidence raises some matters that she agrees with or considers would benefit from further explanation in the report.

DIRECTIONS

6. Pursuant to sections 37 and 37A of the RMA, the Panel may waive a failure to comply with a statutory time requirement having considered:
 - the interests of persons who may be directly affected by the waiver;
 - the interests of the community in achieving an adequate assessment of the effects of the proposal; and
 - the duty under s21 of the Act to avoid unreasonable delay.

The Panel directs that the late submissions from McLanachan, Pine Hollow Family Trust and Brown be accepted.

7. In reaching this decision, the Panel notes that acceptance of the late submissions will not materially prejudice any party, will assist in ensuring a comprehensive consideration of relevant issues, and will not result in unreasonable delay to the hearing process.
8. In respect of the late submission from Kewa/Katipa/Cookson whānau the Panel notes that this submission has been lodged in excess of twice the submission time period provided for under the RMA and after the due date for the applicant's evidence.
9. In accordance with section 37(2)(b) RMA, the Panel can only waive the time period for receiving the submission if the applicant agrees.
10. The applicant has confirmed that they agree to acceptance of the late submission and has advised that they will respond to the submission during the hearing and no additional time is needed.
11. After considering the applicant's response, and the matters outlined in point 6 above, the Panel directs that the late submission from the Kewa/Katipa/Cookson whānau is accepted.

12. The Panel is comfortable with the reporting officer making limited updates to her recommendations but directs that these be provided via an addendum to the s.42A report which shall be received no later than 12pm on Wednesday 23 September 2026. The addendum will be circulated to all parties once it is received.
13. 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: 16 September 2026