

Otago Regional Council
Proposed Otago Regional Policy Statement 2021
(excluding parts determined to be a freshwater planning instrument)

MINUTE AND DIRECTIONS OF HEARING COMMISSIONERS

on preparation for hearing of submissions

[Minute 1]

INTRODUCTION

- 1 At its meeting on 24 August 2022 the Otago Regional Council ('the Council') under section 34A of the Resource Management Act 1991 ('the Act') appointed us to be hearing commissioners. The Council delegated to us as a hearing panel all the powers, functions and duties of the Council to hear submissions on those parts of the proposed Otago Regional Policy Statement 2021 that are determined not to be part of a freshwater planning instrument under section 80A of the Act, and to make recommendations to the Council. This delegation includes the functions, powers and duties set out in the Act relating to a proposed regional policy statement including Sections 32 and 32AA; Section 39; Section 39A; Section 40; Section 41; Sections 41A-41D; Section 42; Section 42A; and clauses 8AA, 8B and 8C of the First Schedule of the Act.
- 2 The hearing commissioners are:
 - Ron Crosby (chair)
 - Rauru Kirikiri
 - Allan Cubitt and
 - Bianca Sullivan
- 3 The hearing panel has reached the conclusions set out in this Minute regarding the setting and timing of procedural steps leading to the hearing of the submissions. Further Minutes from the hearing panel will follow concerning arrangements for the hearing.
4. In the course of previous procedures suggested by the Freshwater hearing panel, caucusing occurred between some submitters and the Council. This current hearing panel has been informed those outcomes will be reflected in supplementary evidence to be provided by way of background materials from the s.42A report writers for the Council.
5. The hearing panel also wishes to draw all submitters' attention to some relevant parts of the provisions of s.36(2) of the Act which provide that it must:
 - (c) *not permit any person other than the chairperson or other member of the hearing body to question any party or witness; and*
 - (d) *not permit cross-examination.*



DIRECTIONS

- 6 We intend to manage the hearing efficiently, and to give each submitter sufficient opportunity to explain the basis for their submission. We propose proceeding on the basis of the various Chapter Headings of the PORPS. We propose to hear the submissions grouped under these topics. While not encouraged, because of its effects on the efficiency of the hearing process which will be subject related, if any submitter on topics in more than one group would prefer to be heard only once, application for leave to do so will be considered by the hearing panel. The grounds of any such application should be succinctly set out within the application. Any such application should be forwarded to the hearing panel using the contact details set out at paragraph 15 below by 9 December, 2022.
7. As any submitter is entitled to provide evidence and other documents in te reo Māori, the hearing panel directs that any such document be provided together with a translation into te reo pākehā. The panel also requests that written advice is provided when lodging such evidence as to whether the oral presentation will also be in te reo Māori so that appropriate arrangements can be made for translation services to be available.
8. Under section 41B(3) of the Act, we direct that any submitter who wishes to call an expert witness (including a planning witness), to provide a full statement of the evidence of that witness to Otago Regional Council (hearingsadministrator@orc.govt.nz). The timetable for the provision of that evidence is set out at 10 below. The Council will place the evidence statements on the ORC website (www.orc.govt.nz/rps) within 5 working days of receipt.
9. To facilitate the efficient running of the hearing we encourage expert evidence to be prepared, as appropriate, in clearly differentiated subject-related sections that accord with the Chapters of the PORPS.
10. The time limits for the procedural steps in preparation for the hearing are as follows:

Council s42A Report available on ORC website	Friday 7 October 2022
All evidence in chief including expert evidence received by ORC	Friday 11 November 2022
Evidence in chief available on ORC website	Friday 18 November 2022
Any Rebuttal evidence received by ORC	Friday 9 December 2022
Rebuttal evidence available on ORC website	Friday 16 December 2022
11. Given the number of submissions received, in the interests of achieving efficiency of hearing time the intent is that the hearing panel will be reading evidence in advance of the hearing. As a consequence, submitters and their witnesses will be expected only to speak to points they wish to highlight in their submission or evidence.
12. Each submitter will be allotted the following hearing times for oral presentation of their submission:



- (i) if unrepresented by Counsel - 15 minutes
- (ii) if represented by Counsel - 30 minutes (which will include any legal submissions)
- (iii) an additional 15 minutes for each expert witness

Any applications for longer periods of time allocation for any submitter or expert witness should be made in writing using the contact details set out at paragraph 15 below by 9 December, 2022. The grounds for any such application must be set out succinctly within the application.

13. If there is any preliminary jurisdictional legal issue that should be considered prior to the substantive hearing we will hear and consider that issue on the first day of the hearing. Submitters should identify all such issues and advise the hearings administrator in writing by way of a memorandum no later than 9 December 2022. Subject to that, the hearing of submissions is to start at 11 am on Monday 23 January 2023.
14. The formal notice of hearing and arrangements for the hearing itself will be advised in due course.

SERVICE OF DOCUMENTS ON COUNCIL

15. Any expert evidence or any request for additional time to present a submitter's case or any other written communication with the Hearing Panel required by this Minute or otherwise is to be addressed to Otago Regional Council, Private Bag 1954, Dunedin 9054 Attention Hearings Administrator; delivered to Otago Regional Council at Level 2, 144 Rattray Street, Dunedin 9016; or emailed to hearingsadministrator@orc.govt.nz

Ron Crosby (chair)
Rauru Kirikiri
Allan Cubitt and
Bianca Sullivan



Per Ron Crosby

3 October 2022