

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

Notice of Hearing

Pursuant to Clause 8B of Schedule 1 to the Resource Management Act 1991

DATE: Monday 23 January 2023.

TIME: The hearing will commence at 10.30 am

VENUE: ORC Council Chamber, Level 2, Philip Laing House, corner Rattray and Princes Streets, Dunedin

PRELIMINARY

Where there is a conflict, this notice of hearing supersedes any times, dates or directions given in previous Minutes.

PROVISION OF INFORMATION

- 1 We inform submitters that the following information has been provided to us by the Council:
 - a The Proposed Otago Regional Policy Statement – notified version marked up to indicate those provisions which are not part of our jurisdiction
 - b The summary evaluation of it under section 32 of the Act – notified version marked up to indicate those provisions which are not part of our jurisdiction
 - c Reports under section 42A of the Act
 - d Supplementary evidence prepared by the authors of the s42A Report
 - e Copies of the submissions on the Proposed Otago Regional Policy Statement (website versions)

- 2 Prior to the commencement of the hearing we will also receive from the Council the following information
 - f The summary of decisions requested
 - g All national policy statements and national environmental standards listed within the PORPS
 - h The Water Conservation (Kawarau) Order 1997

- 3 We note that Council has elected to not issue separate documents (PORPS; Section 32 Evaluation Report; Summary of Decisions Requested) with all Freshwater Planning Instrument

provisions and material omitted. Rather, and in the interests of retaining the overall sense of integrated management, Council has elected to shade the freshwater provisions within the original documents. We record that the distinction, to us, is relatively clear and we are happy to proceed on this basis.

HEARING ARRANGEMENTS

- 4 We intend to manage the hearing efficiently, and to give each submitter sufficient opportunity to explain the basis for the 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 by-chapter hearing process, if any submitter on topics in more than one group would need to be heard only once, or would be comfortable with a Zoom presentation, application for leave to do so will be considered by the hearing panel. Any application should be forwarded in writing to the Hearing Administrator using the contact details set out at paragraph [21] below by 9 December 2022.
- 5 Under section 41B(3) of the Act, we previously issued a direction regarding the provision of expert evidence. That timetable was amended in our Minute 3. We also note that the Council's s42A Hearing Report and briefs of supplementary evidence have been available on the Council website since 21 October 2022. Minute 3 set the time limits for the filing of evidence and rebuttal evidence.
- 6 If there is any preliminary 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 with the Hearing Administrator by written memorandum all such issues no later than 9 December 2022. If any are raised, an opportunity will be provided for responses to these, within a timeframe to be specified.
- 7 Submitters wishing to address the hearing in te reo must advise the Hearing Administrator by written memorandum no later than 9 December 2022, in order that arrangements for a translator to be present are made in a timely manner.
- 8 If you are presenting a summary of evidence or legal submissions on the day of a hearing, and that material has not been provided in terms of Minute 3, **you are required to bring with you 10 copies** of that material for the exclusive use of the hearing panel and Council.
- 9 The scheduled sitting dates for the Hearing and the order in which the topics will be heard are set out at Paragraph [16] below.
- 10 For each topic the Panel anticipates that the Council will give a brief opening statement, the s42A Report author will answer questions of the Panel; submitters will give legal submissions or give a brief opening statement; witnesses will answer questions of the Panel.
- 11 The hearing will be live-streamed on Council's YouTube channel and will be available for on-demand viewing following the close of the hearing each sitting day.

- 12 The Council’s audio-visual equipment also provides for remote participation in the hearing. If a submitter wishes to access this facility, you must advise the Hearing Administrator, by email at the address given in paragraph [21] below, before Friday 13 January 2023. The Hearing Administrator will respond and provide the necessary access code and instructions for remote access to the hearing.
- 13 Sitting times for the Hearing will be generally as follows:
- | | |
|----------------------|------------------|
| Monday: | 9.30am – 5.00pm |
| Tuesday to Thursday: | 9.00am – 5.00pm |
| Friday: | 8.30am – 12.30pm |
- 14 Breaks for morning and afternoon tea will be for 15 minutes, and for lunch one hour. There will be flexibility around timing of breaks to avoid unnecessary interruptions to submitter presentations.
- 15 The venue for the hearing will be at the ORC Council Chamber, Level 2, Philip Laing House, Princes Street, Dunedin unless otherwise advised by Minute.

SCHEDULING HEARING OF SUBMISSIONS

- 16 The hearing of submitters who have asked to be heard will be generally scheduled as set out below:
- 23 January to 26 January 2023
 - Preliminary Matters; Council Opening; Kai Tahu opening, Part 2 (RMIA & MW;) Part 1, Part 2 (SRMR)
 - 7 February to 10 February 2023
 - Part 2 (SRMR); Integrated Management; Part 4; Air
 - 13 February to 17 February 2023
 - Urban Form & Development; Historical & Cultural Values
 - 27 February to 3 March 2023
 - Coastal Environment
 - 13 March to 17 March 2023
 - Energy, Infrastructure & Transport
 - 3 April to 5 April 2023
 - Ecosystems & Indigenous biodiversity
 - 17 April to 21 April
 - Hazards & Risks; Ecosystems & Indigenous biodiversity ctd
 - 26 April to 28 April
 - Land & Freshwater

- 1 May to 5 May 2023
 - Natural Features & Landscapes; Land & Freshwater
- 8 May to 9 May 2023
 - Land & freshwater
- 29 May 2023
 - Council Closing & Hearing adjourned

17 Please note that this scheduling may be subject to change once we have reviewed the evidence filed and we have a better idea of likely time requirements for the different topics. Any changes will be advised by Minute.

18 As noted in Minute 1 each submitter will be scheduled the following times for oral presentation of their presentation:

- 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

19 All parties presenting are reminded that the Hearing Panel will have read the evidence and submissions in advance. Presenters should not, therefore, read this material and should speak only to the principal points they wish to make.

20 Some submitters may need more time than that allocated in paragraph [18] above. Any submitter who needs more time is to advise the Hearing Administrator in writing of the length of time required and provide detailed reasons as to why more time is needed. This advice is to be received by 9 December 2022.

SERVICE OF DOCUMENTS ON COUNCIL

21 Communication with the Hearing Panel is to be emailed to hearingsadministrator@orc.govt.nz or addressed to Otago Regional Council, Private Bag 1954, Dunedin 9054 Attention Hearing Administrator; or delivered to Otago Regional Council at Level 2, 144 Rattray Street, Dunedin 9016.

Ron Crosby for and on behalf of the Panel

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

30 November 2022