

Otago Regional Council

Proposed Otago Regional Policy Statement 2021

(excluding parts determined to be a freshwater planning instrument)

ARRANGEMENTS FOR HEARING PANEL TECHNICAL ASSISTANCE

[Minute 10]

1. We are now well established in the process of hearing submissions on the PORPS. Our observations of the process thus far indicate that while we have heard from parties on some challenging matters, there are several more of these ahead of us. We have purposely not yet commenced any deliberations on decision-making on any issues until the hearings are concluded as inter-related parts of the proposed RPS keep arising and that can be expected to continue.
2. We have also now been informed that the Otago Regional Council has written to the Chief Freshwater Commissioner, pursuant to s80A (4) of the Resource Management Act 1991 regarding the freshwater planning instrument parts of the PORPS and the matters required by s80A(4).
3. Combined, these two factors have resulted in the hearing panel starting to turn its mind to how it might deal with its deliberations, and the preparation of its recommendations to Council, and how the outcome of an integrated RPS following the conclusion of both processes, might be achieved. The latter will also require decisions from the panel appointed to hear the freshwater parts of the PORPS, once this panel has been appointed by the Chief Freshwater Commissioner. The deliberation processes will require decisions in respect of many hundreds of individual submission points which potentially may have complications arising out of the separate non-freshwater and freshwater hearing processes, with one set of decisions having to take the form of recommendations and the other binding decisions.
4. The Panel has had the benefit thus far in its preparations and conduct of the hearings on a wide range of matters such as venue, preparation of evidence bundles, important document provision, and the settling of the order of the constantly evolving hearing schedules of the services of Peter Constantine, as well as the Hearings Administrator Kate McKinlay. Peter Constantine is an experienced planning consultant working with ORC who has a thorough knowledge of the whole proposed RPS and in particular of the submission points summary which we will have to address in our deliberations. He is also an accredited RMA Commissioner with Chair certification and is aware of the boundaries that have to be observed to ensure he is kept apart from decision-making in our deliberations.
5. However, in that deliberation process the Panel will need the technical planning assistance of someone such as Peter Constantine to ensure all individual submission points are addressed. In the unique situation we find ourselves that person needs to have knowledge of both the non-freshwater and freshwater aspects of the hearing processes to ensure they are kept separate, but in a manner which finally achieves an integrated document. Mr.

Constantine is the obvious person to fulfil that role with his knowledge of both the freshwater and non-freshwater processes, along with familiarity with the multitude of documents, the complications of the FW & non-FW issues, and the overall decision-making process.

6. The panel has approached the Otago Regional Council concerning this matter and has been advised that Peter Constantine could be made available to fulfil that role.
7. Peter Constantine did have some involvement with the development of the proposed regional policy statement but has had no direct involvement since its notification. He is not an author or contributor to any of the s42A Report chapters, apart from ensuring their consistency, and is not giving evidence before this panel.
8. We therefore advise that we propose to accept Council's offer of his availability as the ongoing technical planning support as we move through the rest of the hearing and on to our deliberations. Consequently, Peter may attend some of the hearings in an observer role to gain an appreciation of some issues and assist us, on our request, as we deliberate to ensure submission points limited to non-freshwater aspects of the proposed RPS are all addressed by the Panel.

13 March 2023

Ron Crosby

Panel Chair