

Otago Regional Council
DIRECTIONS OF THE COMMISSIONERS
Minute 3

Introduction

- [1] On 17 September 2019 we issued procedural Minute 2 relating to the Criffel Water Limited (CWL) and Luggate Irrigation Company Limited / Lake McKay Station (LI) hearings scheduled for Wednesday 23 and Thursday 24 October 2019.
- [2] This Minute revises the hearing Schedule.

Hearings

- [3] There are several matters which have led us to revisit the proposed hearing Schedule:
- The applicants are calling seven witnesses for CWL and nine for LI. One of the witnesses (Dr Jowett) cannot attend and has provided an Affidavit instead;
 - Of the remaining applicant witnesses who will appear five have provided identical statements of evidence for each hearing;
 - The only unique witness for CWL is Dr Mandy Bell;
 - The Department of Conservation (submitter on the LI applications) no longer wishes to be heard;
 - Auhaka (submitter on both applications) has requested to be heard on Thursday 24 October due to their evidence being identical for both applicants and the non-availability of one of their witnesses on the Wednesday;
 - There is a joint s42A report for both applicants;
 - We have pre-circulated questions for the s42A authors and those questions have been answered in writing;
 - The commissioner's questions of the five applicant witnesses who have provided identical evidence statements would most likely be repeated on the Wednesday and Thursday;
 - It is likely that both applications can now be heard on one day.
- [4] Counsel for CWL has kindly advised that CWL are open to having their application heard on the Thursday.
- [5] Accordingly, both the Criffel Water Limited hearing and the Luggate Irrigation / Lake McKay Station hearing will now proceed on **Thursday 24 October 2019** in **Conference Room 1** at the Dunedin City Council offices commencing at **8.30am**. Please note the slightly earlier start time.
- [6] The hearings will generally proceed as follows:
- Counsel for CWL will open their case and we will hear from CWL witnesses (in an order to be determined by CWL) Allibone, Bell, Collier, Hickey, Scott and Simpson;
 - The CWL hearing will be adjourned and LI will open their case followed by LI witnesses (in an order to be determined by LI) Frost, Harvey, Kelly and Trotter;
 - The commissioners will ask any further questions relating solely to the LI applications of witnesses Allibone, Collier, Hickey, Scott and Simpson;
 - We will reconvene the CWL hearing (meaning it will run jointly with the LI hearing thereafter) and hear from submitters Fish and Game and Auhaka;
 - We will hear from the s42A authors;
 - We will have the applicants' Replies. In that regard counsel for the applicants is welcome to provide a verbal reply on the day, a written reply at a later date, or both.

- [7] Witnesses who have pre-circulated evidence are reminded that the commissioners will have read their pre-circulated material and it will not be read aloud at the hearing.

Site Visit

- [8] The Commissioners will now undertake a site visit on Wednesday 23 October 2019.

A handwritten signature in black ink, appearing to read 'Rob van Voorthuysen', with a long horizontal stroke extending to the right.

Rob van Voorthuysen
Hearing Chairperson
16 October 2019