

Otago Regional Council
DIRECTIONS OF THE COMMISSIONER
Minute 1

Introduction

[1] Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Otago Regional Council (ORC) has delegated to Independent Commissioner Rob van Voorthuysen the function of hearing submissions and deciding on applications made by:

- Rockburn Wines Limited RM20.003;
- Pisa Holdings Limited and Others RM20.005; and
- Smallburn Limited RM20.007

for resource consents for the replacement of 'deemed permits' to take water from Amisfield Burn and Park Burn.

Hearing

[2] The hearings are scheduled for **Wednesday 9 September and Thursday 10 September 2020**.

[3] The hearings will be held in Central Otago at a venue to be confirmed, commencing at 9.00am each day. The hearing Administrator will advise participants of the venue in due course.

[4] The following directions relate to the hearing:

- Karen Bagnall, the Hearings Administrator, will be in contact with submitters who have expressed a wish to be heard to arrange an order of appearance. The general order for each hearing will be:
 - Applicant
 - Submitters in opposition
 - Section 42A Report author(s)
 - Applicant's right of reply (which may be given at the hearing or in writing thereafter)
- A Section 42A Report¹ will be made available on or before **Wednesday 19 August 2020**, allowing the Applicants and submitters to have regard to its contents when preparing their evidence. It would be extremely helpful to the Commissioner if the Applicants and submitters could indicate in their evidence if they agree or disagree (with reasons) with the Section 42A Report author's recommendations.
- Pursuant to section 41B(2) of the RMA, the Applicants are directed to provide their expert evidence to ORC no later than **2.00pm on Wednesday 26 August 2020**.
- If experts for the Applicants intend to base their evidence on technical reports that they authored, and which were included as part of the applications, then the experts need not repeat material contained in those reports in their evidence. It will be sufficient for the evidence to cross-refer to that material.
- Pursuant to section 41B(3) of the RMA, submitters who intend to call expert evidence² in support of their submissions are directed to provide a written statement of that evidence to ORC no later than **2.00pm on Wednesday 2 September 2020**.
- If submitters intend to provide written evidence themselves, or have non-expert people appear on their behalf, then they are requested and strongly urged to also provide a written statement of that evidence to ORC no later than **2.00pm on Friday 4 September 2020**.

¹ A Section 42A Report includes a discussion of the submissions. It recommends (with reasons) whether the consent applications should be granted or not. That recommendation does not bind the Commissioners.

² Expert evidence is that written by qualified planners, engineers or scientists, for example, prepared in accordance with the Environment Court's Practice Note 2014 for expert witnesses.

- If submitter evidence to be presented by themselves or non-expert people on their behalf is not provided to ORC by the above date, then those submitters should bring ten (10) hard copies to the hearing.
- If the Applicants propose to have legal counsel present opening legal submissions, the Applicants are requested to provide those submissions to the ORC no later than **2.00pm on Wednesday 26 August 2020**.
- All pre-circulated material received will be posted on the ORC website (see below).
- All original submissions, pre-circulated evidence and legal submissions will be taken as read at the hearings. Accordingly, pursuant to section 41C(1)(b) of the RMA, the Applicants and submitters are directed that they and their experts will not be required to read any such material aloud at the hearings. Reading that material aloud at the hearings would be an inefficient use of time as the Commissioner will have already read it.
- At the hearings the Applicants' experts may table and read aloud supplementary evidence responding to any expert evidence lodged by submitters. The Commissioner anticipates that any supplementary evidence will be concise.
- All people appearing at the hearing will be allowed to verbally and briefly highlight key points from their submissions or evidence for the benefit of the Commissioner. The Commissioner will then ask any questions he may have.
- Should any submitter wish to speak in Te Reo or utilise visual aids (PowerPoint, etc) they are requested to liaise directly with our Hearings Administrator as soon as possible but prior to **Wednesday 26 August 2020** regarding their needs.

Site Visit

- [5] The Commissioner intends to undertake a site visit prior to the hearing commencing. Participants are requested to inform the Hearings Administrator by **2.00pm on Wednesday 26 August 2020** of any areas of interest, along with supporting reasons, that they would wish the Commissioner to include within his site visit.

Correspondence

- [6] Participants must not attempt to correspond with or contact the Commissioner directly. All correspondence relating to the hearing must be addressed to the Hearings Administrator.

Website

- [7] All information relevant to the hearing will be made available on the ORC website:
<https://www.orc.govt.nz>

Service on the Council

- [8] All evidence and legal submissions addressed by this Minute must be lodged with ORC by either:
- Preferably by email to Karen Bagnall at karen.bagnall@orc.govt.nz
 - By post addressed to Karen Bagnall, Otago Regional Council, Private Bag 1954, Dunedin 9054, or
 - By hand delivery to Karen Bagnall, Otago Regional Council, 70 Stafford street, Dunedin.
- [9] Any evidence or legal submissions lodged must be in either Microsoft WORD or PDF format. It should be 'unlocked' so that it is able to be annotated by the Commissioner.



Rob van Voorthuysen
Hearing Chairperson
5 August 2020