

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 an application made by Hawkdun Pastoral Limited (Applicant) to replace a deemed permit for water abstraction from Mata Creek near Cromwell.

Hearing

- [2] The hearing is scheduled for **Thursday 17 December 2020**.
- [3] The hearing venue and commencement time have been separately advised by the Hearing Administrator, ORC staff member Rochelle Stevenson.
- [4] I understand that submissions have been received from Fish and Game Otago, the Director General of Conservation and Ngā Rūnanga Aukaha, but none of the submitters wish to be heard.
- [5] The following directions relate to the hearing:
- (a) The order of appearance will be:
 - Applicant
 - Section 42A Report author(s)
 - Applicant's right of reply (which may be given at the hearing or in writing thereafter)
 - (b) A Section 42A Report¹ from ORC will be available on or before **Thursday 26 November 2020**, allowing the Applicant to have regard to its contents when preparing its evidence. It would be extremely helpful to the Commissioner if the Applicant could indicate in their evidence if they agree or disagree (with reasons) with the Section 42A Report authors' recommendations.
 - (c) Pursuant to section 41B(2) of the RMA, the Applicant is directed to provide their expert² evidence (if any) to the Hearings Administrator no later than **2.00pm on Thursday 3 December 2020**.
 - (d) If experts for the Applicant intend to base their evidence on technical reports that they authored, and which were included as part of the application, 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.
 - (e) Pursuant to section 41B(3) of the RMA, should any of the submitters intend to table evidence (notwithstanding their wish to not appear in person at the hearing) in support of their submissions, they are directed to provide a written statement of that evidence to the Hearings Administrator no later than **2.00pm on Thursday 10 December 2020**.
 - (f) If the Applicant proposes to have legal counsel present opening legal submissions, the Applicant is requested to provide those submissions to the Hearings Administrator no later than **2.00pm on Tuesday 15 December 2020**.
 - (g) All pre-circulated evidence and legal submissions will be taken as read at the hearing. Accordingly, pursuant to section 41C(1)(b) of the RMA, the Applicant is directed that they will not be required to read any such material aloud at the hearing. Reading that material aloud at the hearing would be an inefficient use of time as the Commissioner will have already read it.
 - (h) All people appearing at the hearing will be allowed to verbally and briefly highlight key points from their evidence or legal submissions for the benefit of the Commissioner. The

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

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.

Commissioner will then ask any questions he may have.

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.

Service on the Council

- [7] All evidence and legal submissions addressed by this Minute must be lodged with ORC by:
- Preferably by email to Rochelle.stevenson@orc.govt.nz or
 - By post addressed to Rochelle Stevenson, Otago Regional Council, Private Bag 1954, Dunedin 9054
- [8] Evidence and legal submissions lodged must be provided in **Microsoft WORD** format. The documents must be 'unlocked' so that they can be annotated by the Commissioner.



Rob van Voorthuysen
Commissioner
23 November 2020