

**Otago Regional Council
DIRECTIONS OF THE COMMISSIONER
Bendigo Station Limited**

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 Bendigo Station Enfield Limited (Applicant) to replace deemed permits WR1233CR and WR3908CR to abstract water from Bendigo Creek and to dam, take and use water within and from a reservoir outside the bed of a watercourse.

Hearing

- [2] The hearing is scheduled for **Tuesday 18 May 2021** in Cromwell.
- [3] The hearing will commence at **9.00am**. The hearing venue will be The Gate, Cromwell.
- [4] The following directions relate to the hearing:
- (a) The order of appearance will be:
 - Applicant
 - Submitter(s)
 - 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 **Friday 23 April 2021**, allowing the Applicant and submitters to have regard to its contents when preparing their evidence. It would be extremely helpful to the Commissioner if the Applicant and submitters could indicate in their evidence if they agree or disagree (with reasons) with the Section 42A Report author's 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 Monday 3 May 2021**.
 - (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, submitters who intend to call expert evidence in support of their submissions are directed to provide a written statement of that evidence to ORC no later than **2.00pm on Monday 10 May 2021**.
 - (f) 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 Monday 10 May 2021**.
 - (g) If Applicant or submitter evidence to be presented by non-expert people is not provided to ORC by the above dates, then those people should bring ten (10) hard copies to the hearing.
 - (h) 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 Friday 14 May 2021**.
 - (i) All original submissions, pre-circulated evidence and legal submissions will be taken as

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.

read at the hearing. Accordingly, pursuant to section 41C(1)(b) of the RMA, the Applicant and submitters are directed that all such material will not be read aloud at the hearing, as that would be an inefficient use of time as the Commissioner will have already read it.

- (j) At the hearing the Applicant's experts may table and read aloud supplementary or rebuttal evidence responding to any expert evidence lodged by submitters. The Commissioner anticipates that any such evidence will be concise and generally limited to addressing matters of fact rather than opinion.
- (k) 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 Commissioner will then ask any questions he may have.
- (l) If any participant intends to attend the hearing remotely (e.g. by way of Zoom or MS teams) then they must ensure that a copy of all written material that they will refer to or read from (including speaking notes) during their presentation is provided to the Hearings Administrator no later than **2.00pm on Friday 30 April 2021**

Website

- [5] All information relevant to the hearing will be made available on the ORC website:
<https://www.orc.govt.nz/consents-and-compliance/current-notified-applications>

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 documents 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 March 2021