

DIRECTIONS OF THE COMMISSIONERS Cold Gold Clutha Limited

Introduction

- [1] Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Otago Regional Council, Central Otago District Council and Queenstown Lakes District Council have delegated to Independent Commissioners Rob van Voorthuysen, Jane Sinclair and Craig Welsh the functions of hearing submissions and making decisions on applications made by Cold Gold Clutha Limited (applicant) for various consents associated with suction dredging activities in the Clutha River / Mata-Au between downstream of the Luggate Bridge and the confluence with Lake Dunstan (with two exclusion areas); and land use consent for slipway construction.
- [2] The Otago Regional Council (ORC) is the lead agency for the Hearing. The Hearing Administrator is Tamsin Grigg (ORC Consents Support Coordinator).

Hearing

- [3] The hearing is scheduled to commence on **Tuesday 14 November 2023** at the Harvest Hotel (The Gate) in Cromwell.
- [4] The hearing will commence at **9.00am** each day.
- [5] 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) Section 42A Reports¹ from the three councils were made available on 15 September 2023. It would be extremely helpful to the Commissioners if the applicant and submitters 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 Hearing Administrator no later than **2.00pm on Friday 27 October 2023**.
 - (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 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.
 - (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 the Hearing Administrator no later than **2.00pm on Friday 3 November 2023**.
 - (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 the Hearing Administrator no later than **2.00pm on Friday 3 November 2023**.
 - (g) If applicant or submitter evidence to be presented by non-expert people is not provided

¹ A Section 42A Report includes a discussion of the application and the submissions. It recommends (with reasons) whether the application 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.

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to the Hearing Administrator by the above dates, then those people should bring ten (10) hard copies to the hearing.

- (h) If the applicant or any submitter proposes to have legal counsel present legal submissions, they are requested to provide those submissions to the Hearing Administrator no later than **2.00pm on Wednesday 8 November 2023**.
- (i) All original submissions, 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 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 Commissioners 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 Commissioners anticipate 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 Commissioners. The Commissioners will then ask any questions they may have.
- (l) Should any participant wish to speak in Te Reo, utilise Sign Language, or utilise visual aids (PowerPoint, etc) they are requested to liaise directly with the Hearing Administrator, as soon as possible, but prior to **Friday 27 October 2023** regarding their needs.
- (m) 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 Hearing Administrator no later than **2.00pm on Wednesday 8 November 2023**.

Website

[6] 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/cold-gold-clutha-limited-rm22-434>

Correspondence

[7] Participants must not attempt to correspond with or contact the Commissioners directly. All correspondence relating to the hearing must be addressed to the Hearing Administrator.

Service on the Council

[8] All documents addressed by this Minute must be lodged with the Hearing Administrator:

- Preferably by email to Tamsin.Grigg@orc.govt.nz

or

- By post addressed to:

Tamsin Grigg
Consents Support Coordinator
70 Stafford Street
Private Bag 1954
Central Dunedin
Dunedin 9054

Document Format

- [9] All statements of evidence and legal submissions lodged must be provided in **Microsoft WORD** or **PDF** format. The documents must be 'unlocked' so that they can be annotated by the Commissioners.



Rob van Voorthuysen
Hearings Commissioner
4 October 2023