

Otago Regional Council
DIRECTIONS OF THE COMMISSIONERS
Minute 2

Introduction

- [1] Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Otago Regional Council (ORC) has delegated to Independent Commissioners Jayne Macdonald, Allan Cubitt and Rob van Voorthuysen the function of hearing submissions on applications made by **Criffel Water Limited** and **Luggate Lake McKay Irrigation** (Applicants) for resource consents for the replacement of deemed water take permits in the Luggate Creek area in Central Otago.
- [2] On 2 September 2019 we issued procedural Minute 1 relating to the Criffel Water Limited hearing which is scheduled for Wednesday 23 October 2019. We have now been informed that Luggate Lake McKay Irrigation hearing will proceed on Thursday 24 October 2019.
- [3] We accordingly issue this Minute 2 which supersedes Minute 1.

Hearings

- [4] The Criffel Water Limited hearing is scheduled for **Wednesday 23 October 2019** and the Luggate Lake McKay Irrigation hearing is scheduled for **Thursday 24 October 2019**.
- [5] Both hearings will be held in **Conference Room 1** at the Dunedin City Council offices. Both hearings will commence at 9am.
- [6] The following directions relate to the hearing:
- (a) Kayla Mahon, our 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 support
 - Submitters in opposition
 - Section 42A Report author(s)
 - Applicant's right of reply (which may be given at the hearing or in writing thereafter)
 - (b) A combined¹ Section 42A Report² will be made available on or before **Friday 27 September 2019**, allowing the Applicants and submitters to have regard to its contents when preparing their evidence. It would be extremely helpful to the Commissioners 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.
 - (c) Pursuant to section 41B(2) of the RMA, the Applicants are directed to provide their expert evidence to ORC no later than **4.00pm on Tuesday 8 October 2019**.
 - (d) 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.
 - (e) Pursuant to section 41B(3) of the RMA, submitters who intend to call expert evidence³ in support of their submissions are directed to provide a written statement of that evidence to ORC no later than **4.00pm on Tuesday 15 October 2019**.

¹ Dealing with both Applicants.

² 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.

³ 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.

- (f) All expert witnesses preparing briefs of evidence are to include a summary statement that is no more than two A4 pages long at the beginning of their evidence.
- (g) 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 **4.00pm** on **Tuesday 15 October 2019**.
- (h) 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.
- (i) 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 **4.00pm** on **Friday 18 October 2019**.
- (j) All pre-circulated material received will be posted on the ORC website (see [9] below).
- (k) All original submissions and pre-circulated evidence will be taken as read at the hearing. 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 hearing. Reading that material aloud at the hearing would be an inefficient use of time as the Commissioners will have already read it.
- (l) The exceptions to direction (k) are:
 - experts may, if they wish, read aloud their summary statements (see (f) above); and
 - the Applicants' experts may table and read aloud supplementary evidence responding to any expert evidence lodged by submitters. The Commissioners anticipate that any supplementary evidence will be concise.
- (m) 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 Commissioners. The Commissioners will then ask any questions they may have.
- (n) Should any participant 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 **Friday 4 October 2019** regarding their needs.

Site Visit

- [7] The Commissioners intend to undertake preliminary site visits prior to the hearings commencing. Participants are requested to inform the Hearings Administrator by **4.00pm** on **Friday 4 October 2019** of any areas of interest, along with supporting reasons, that they would wish the Commissioners to include within their site visits. Further site visits may be undertaken before the hearing is closed.

Correspondence

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

Website

- [9] All information relevant to the hearing will be made available on the ORC website:

<https://www.orc.govt.nz/consents/current-notified-applications>

Service on the Council

- [10] All evidence and legal submissions addressed by this Minute must be lodged with ORC by either:
- Preferably by email to Kayla Mahon at Kayla.Mahon@orc.govt.nz
 - By post addressed to Kayla Mahon, Otago Regional Council, Private Bag 1954, Dunedin 9054, or

- By hand delivery to Kayla Mahon, Otago Regional Council, 70 Stafford street, Dunedin.

[11] All evidence and 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 Commissioners.



Rob van Voorthuysen
Hearing Chairperson
17 September 2019