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## DIRECTIONS OF THE COMMISSIONERS

### MINUTE 1

#### INTRODUCTION

- [1] Pursuant to section 34(A)(1) of the Resource Management Act 1991 (RMA), the Mackenzie District Council (the Council) has delegated to independent commissioners Ian Boothroyd, Gary Rae and Rob van Voorthuysen the function to hear the submissions and further submissions on Plan Change 18: Indigenous Biodiversity to the Mackenzie District Plan and make recommendations on those submissions to the Council.
- [2] The following directions and requests relate to the hearing.

#### HEARINGS ADMINISTRATOR

- [3] The Council have appointed a Hearings Administrator who is:

Cathy Matheson

[cathy.matheson@mackenzie.govt.nz](mailto:cathy.matheson@mackenzie.govt.nz)

#### HEARING DATES AND TIMES

- [4] The hearing will commence on **Monday 1 February 2021** in the Mackenzie District Council Chamber located in Main Street, Fairlie.
- [5] The hearing will commence at 9.00am each day and generally conclude at 5.00pm.
- [6] Breaks during the day will generally be as follows:
- Morning tea 10.30 to 10.45am
  - Lunch 12.30 to 1.30pm
  - Afternoon tea 3.00 to 3.15pm
- [7] The Hearings Administrator will be contacting submitters who stated in their submission that they wished to be heard to confirm their attendance at the hearing and to determine an order of appearance.

#### PRE-CIRCULATION OF MATERIAL

- [8] A section 42A report<sup>1</sup> and associated technical reports and evidence is to be made available to participants on or before **Monday 14 December 2020**. This will allow submitters to have regard to its contents when preparing their evidence. It would be extremely helpful to the Commissioners if submitters could indicate in their evidence whether or not they agree or disagree (with reasons) with the section 42A report authors' conclusions and recommendations.
- [9] If expert witnesses for the Council, as proponent of PC18, intend to base their briefs of evidence on technical reports that they authored and which have already been made available to the Commissioners and submitters, then the expert witnesses need not repeat material contained in those reports in their evidence. It will be sufficient for the evidence to cross-refer to that material.
- [10] Pursuant to section 41B(3) of the RMA, submitters who intend to call expert evidence<sup>2</sup> in support of their submissions are directed to provide written briefs of that evidence to the Hearings Administrator no later than 2.00pm on **Friday 15 January 2021**.

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<sup>1</sup> The s42A Report includes a discussion of the submissions and further submissions. It recommends (with reasons) whether any changes should be made to the notified Plan Change in response to the submissions and further submissions. Those recommendations do not bind the Commissioners.

<sup>2</sup> 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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- [11] 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 Hearings Administrator no later than 2.00pm on **Friday 15 January 2021**.
- [12] All expert witnesses presenting briefs of evidence are to include a summary statement that is no more than **two A4 page** long at the beginning of their evidence.
- [13] If any party intends to have legal counsel present legal submissions, they are requested to provide those submissions to the Hearings Administrator no later than 2.00pm on **Wednesday 27 January 2021**.
- [14] All original submissions, further submissions and pre-circulated written evidence and legal submissions will be taken as read at the hearing. Accordingly, pursuant to section 41C(1)(b) of the RMA, all participants 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.
- [15] However, experts may be asked to read out their summary statements and submitters will be asked to highlight key points of concern for the benefit of the Commissioners. The Commissioners will then ask any questions they may have.
- [16] Should any submitter wish to speak in Te Reo, utilise Sign Language, or utilise visual aids (PowerPoint, etc) they are requested to liaise directly with the Hearings Administrator, as soon as possible, but prior to **Friday 15 January 2021** regarding their needs.

#### **EXPERT CONFERENCING / CAUCUSING**

- [17] Either prior to or following the exchange of expert evidence as detailed above, the Commissioners request that all participants calling expert witnesses liaise amongst themselves, along with the Hearings Administrator, in order to facilitate their respective experts conferencing on matters relevant to their specific areas of expertise.
- [18] If expert conferencing occurs then a Joint Witness Statement (JWS) is to be prepared for each specific topic of expertise and be provided to the Hearings Administrator by 2.00pm on **Friday 22 January 2021**. The Commissioners anticipate that experts for the Council will assume responsibility for preparing each JWS, unless the conferencing experts decide otherwise amongst themselves.
- [19] The Commissioners may additionally request further expert conferencing during or after the hearing, together with the preparation of additional JWS's.
- [20] All expert witnesses, in both preparing and presenting their evidence as well as when attending expert conferencing, are expected to comply with the Environment Court Consolidated Practice Note 2014 – Expert Witness Code of Conduct available at the following website

*<http://www.justice.govt.nz/courts/environment-court/legislation-and-resources/practice-notes/expert-witness.html>*

#### **SITE VISIT**

- [21] The Commissioners may undertake a site visit at some stage before, during or after the hearing. Participants are requested to inform the Hearings Administrator by 4.00pm on **Friday 15 January 2021** of any areas of interest that they would wish the Commissioners to include within a site visit.

#### **CORRESPONDENCE**

- [22] 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.

#### **SERVICE OF DOCUMENTS**

- [23] All written material (evidence, pre-hearing reports, JWSs and legal submissions) addressed by this Minute must be lodged with the Hearings Administrator in **Microsoft WORD** format by either:

- Preferably email to Cathy Matheson [cathy.matheson@mackenzie.govt.nz](mailto:cathy.matheson@mackenzie.govt.nz)

or

- Post addressed to Cathy Matheson, Mackenzie District Council, PO Box 52, Fairlie 7949.

[24] All written material received will be emailed directly to the hearing participants by the Council.

**DEVIATION REQUESTS**

[25] If any participant wishes to deviate from any timetable or other requirement identified in this Minute a written request to do so (inclusive of reasons) must be addressed to the Commissioners, and be provided to the Hearings Administrator. The Commissioners will consider and determine any such requests.



Rob van Voorthuysen

**Independent Commissioner – Chair - on Behalf of the Commissioners**

Dated: 26 November 2020