

BEFORE THE CANTERBURY REGIONAL COUNCIL AND ASHBURTON DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991 ('the RMA')

AND

IN THE MATTER OF A RESOURCE CONSENT APPLICATION by Rangitata
Diversion Race Management Limited under section 88
of the RMA for Klondyke Water Storage Facility

FIRST MINUTE OF THE HEARINGS PANEL

29 JANUARY 2018

INTRODUCTION

- 1 Pursuant to section 34A of the Resource Management Act 1991 (RMA), independent commissioners Paul Rogers (Chair), Yvette Couch-Lewis and Richard Allibone have been appointed by the consent authorities Ashburton District Council (ADC) and Canterbury Regional Council (CRC) as the Hearing Panel for the hearing for the application lodged by Rangitata Diversion Race Management Limited (the Applicant) for resource consents for Lake Klondyke and the Rangitata River

INFORMATION / DIRECTIONS

- 2 The hearing is to commence on **Monday 23rd April 2018**. At this stage, the hearing is scheduled for nine days, Monday 23rd April to Friday 4th May inclusive but excluding Wednesday 25th April (Anzac Day), unless otherwise directed by the Panel.
- 3 The Applicant, by way of letter dated 25th January requested of the Panel, that the first week of the hearing be held in Christchurch to minimise the time and cost associated with travelling to Ashburton. We understand and accept that there may be additional cost for the Applicant's expert witnesses to travel to Ashburton, particularly given the number of expert witnesses that will be appearing. However, in order to enable the Panel to conduct a site visit and to enable submitters to attend and hear the expert witnesses, the Panel considers Ashburton to be the appropriate location for the hearing.
- 4 With the assistance of Alison Cooper, Hearings Officer, the Panel will endeavour to issue a hearing schedule to provide all parties with indicative hearing times and confirmation of the Ashburton venue on or about Wednesday 21st March.
- 5 Given the volumes of evidence expected for this hearing and the time that will be required to review that evidence, the Applicant has proposed a timetabling for the circulation of evidence. The Panel accepts that timetabling with the exception of the proposed 6th April date for submitter evidence. Easter Friday (29th March) and Easter Monday (2nd April) are not considered to be 'working days' for the purpose of the RMA. If the 6th April timeframe is imposed the submitters will lose two working days to prepare and submit evidence. Accordingly, the Panel extends the submitter due date by two days, as set out in the directions below.
- 6 If any party is of the view that it cannot meet the below timeframes, please advise Alison Cooper, Hearings Officer prior to **5pm Friday 2nd March**. Please

include reasons as to why the timeframes cannot be met and provide alternative timetable dates.

Accordingly we direct:

- 7 CRC and ADC to provide their section 42A reports to the parties, by way of email, directing the parties to the CRC website (or by direct service at the address provided for service) no later than 5pm on **Wednesday 21st March**.
- 8 The Applicant to provide written briefs of all their evidence to Alison Cooper, Hearings Officer at CRC no later than 12noon on **Wednesday 28th March**.
- 9 The Panel directs that as soon as practicable following receipt of any such evidence received pursuant to Direction 7, CRC provides a copy to all other parties to these proceedings by way of email (or by direct service at the address provided for service) directing the parties to the CRC website and advising that hard copies are available at the CRC offices on request.
- 10 The Panel directs that if any person who has made a submission intends to present expert evidence at the hearing, including expert planning evidence, then that party is to provide a written brief of that expert evidence to Alison Cooper, Hearings Officer at CRC no later than 12noon on **Wednesday 11th April**.
- 11 The Panel directs that as soon as practicable following receipt of any such evidence received pursuant to Direction 10, CRC provides a copy to all other parties to these proceedings by way of email (or letter), directing the parties to the CRC website and advising that hard copies are available at CRC offices on request.
- 12 In terms of Directions 7, 9 and 11 the reports and evidence should be provided to CRC electronically by email or be made available for downloading from the CRC website <https://www.ecan.govt.nz/>. Hard copies of the evidence should only be provided on request.
- 13 Pursuant to s41C(1) of the RMA, the Panel directs that in respect of expert evidence pre-circulated in accordance with these Directions, the hearing will be conducted in the following manner:
 - The section 42A report(s) will be taken as read;
 - The Applicant or submitter that have provided the pre-circulated evidence is to call the witness in person;

- The witness should be introduced and asked to confirm his or her qualifications and experience and the content of their pre-circulated evidence;
 - The witness will then be given an opportunity to draw to the attention of the Panel the key points in the brief. The witness should present a summary of their pre-circulated evidence (supported by powerpoint presentations if desired), endeavouring to be succinct. No new evidence shall be introduced, unless it is specifically in response to matters raised in other pre-circulated briefs of evidence supplied by another party – in such cases the new evidence shall be presented in written form as an Addendum to the primary brief of evidence and it may be verbally presented by the witness. If there is any variation between what the witness says and what is in the brief of evidence, the Panel will assume that the written brief is the evidence unless the content of the brief is specifically amended by the witness;
 - The witness may then be questioned by the Panel.
- 14 Non-expert evidence (including submitter lay evidence and legal submissions) should be tabled and read aloud on the day that the relevant party appears at the hearing.
- 15 The Panel also requests that all parties (the CRC and ADC reporting officers, Rangitata Diversion Race Management Limited as the Applicant, and submitters) calling expert witnesses liaise amongst themselves in order to facilitate their respective experts conferencing on matters relevant to their specific areas of expertise prior to the preparation of their reports or evidence (including any applicable conditions of consent). The aim of the conferencing should be to identify areas of agreement and disagreement which can then be noted in the reports and evidence.
- 16 The Panel will attempt to focus on the issues of contention during the hearing and in deliberations thereafter and so the assistance of the parties to clearly identify areas of expert agreement and disagreement in this manner will be greatly appreciated.
- 17 To assist those presenting at the hearing, presentation aids will be available including a whiteboard and data-projector.
- 18 If any party has any issue with the information/directions contained in this minute, please advise Alison Cooper no later than **5pm Friday 2nd March**.

Any correspondence to the Panel should be directed through Alison Cooper, Hearings officer at CRC. Email: Hearings@ecan.govt.nz or Private Bag 345, Christchurch, Phone 027 549 7661.



Paul Rogers

Independent Commissioner – Chair

29/01/2018