

DIRECTIONS OF THE CENTRAL OTAGO DISTRICT COUNCIL HEARINGS PANEL

MINUTE 1

INTRODUCTION

The Central Otago District Council (CODC) Hearings Panel will hear all the submissions and further submissions and prepare decision reports on behalf of CODC for Plan Change 19 (PC19).

The following directions and requests relate to the hearings.

The matters covered are:

- Hearing format
- Pre-circulation of material
- Pre-hearing meetings and expert conferencing
- Hearings administrator
- Site visit
- Correspondence
- Service of documents
- Deviation requests
- Procedural queries

Other Minutes may be issued from time to time, either prior to or during the hearings.

HEARING FORMAT

1. The hearing of submissions will be staged as follows:
 1. Provisions proposed in PC19.
 2. Zoning requests.
2. The hearing of submissions and further submissions on PC 19 will be grouped and staged as follows:

Stage 1 – Provisions:

1. Wednesday 26th April 2023
2. Thursday 27th April 2023
3. Wednesday 10th May 2023
4. Thursday 11th May 2023
5. Friday 12th May 2023

Stage 2- Zoning:

6. Wednesday 24th 2023 (Cromwell)
 7. Thursday 25th May 2023 (Cromwell)
 8. Friday 26th May 2023 (Alexandra)
3. The hearing of provisions will all be held in Alexandra, and hearing of zone requests will be heard in either Alexandra or Cromwell, commencing at 9.30am each day and concluding at 4.30pm, unless otherwise advised.
 4. Where possible Council will try to accommodate submitters availability within these days to appear in person or via Microsoft Teams, however that may not always be possible.
 5. There will be no cross-examination of witnesses by other submitters.
 6. Each hearing day will commence with an introduction by the Chairperson followed by the hearing of submitters scheduled for each day.
 7. There will be no opening remarks from the Section 42A Report author as the Panel members will have read and be familiar with both the content of the Proposed Plan chapters, the submissions and all pre circulated material (see below).
 8. Following the conclusion of the hearings the Section 42A Report author will provide a written 'Reply Report' briefly outlining any amendments to their original recommendations and a response to any questions from the Hearings Panel arising during the course of the hearing.
 9. Hearings Panel decisions may be released in stages. This will enable District Plan provisions to become operative as soon as possible in the process.

PRE-CIRCULATION OF MATERIAL

10. The efficient running of the hearings will rely on the timely pre-circulation of submitter evidence and legal submissions (if any). The pre-circulation of material is intended to minimise the time required for everyone to present their case at the hearing itself, but, at the same time, to ensure that everyone is able to fully participate in the hearing process.
11. A Section 42A Report for each stage along with associated technical reports and evidence prepared by the CODC will be made available to participants no later than 20 working days prior to the hearing. These reports will be posted on the CODC's engagement platform www.lets-talk.codc.govt.nz/plan-change-19.
12. This will allow submitters to have regard to the contents of the Section 42A Report when preparing their written evidence or deciding what to present verbally at the hearing. It would be extremely helpful to the Hearings Panel 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.

13. The Section 42A Report author will attend the hearing and be available to answer any questions from the Hearings Panel. The Section 42A Report will constitute part of the body of evidence to be considered by the Hearings Panel, alongside the evidence of submitters.
14. Pursuant to section 41B(3) of the RMA, submitters who intend to call expert evidence in support of their submissions are directed to provide written briefs of that evidence to the CODC Hearings Administrator no later than 10 working days prior to the hearing. All expert witnesses presenting briefs of evidence are to include a summary statement that is no more than two A4 pages long at the beginning of their evidence.
15. 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 10 working days prior to the hearing.
16. 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 5 working days prior to the hearing.
17. The Hearings Panel will take all original submissions, further submissions and pre-circulated written evidence and legal submissions 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.
18. However, experts may be asked to read out their two-page summary statements and submitters may be asked to highlight key points of concern for the benefit of the Hearings Panel members who will then ask any questions they may have.
19. 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 provisions in response to the submissions and further submissions. Those recommendations do not bind the Hearings Panel.
20. Expert evidence is that written by qualified planners, engineers or scientists, for example, prepared in accordance with the Environment Court's Practice Note for expert witnesses.
21. Should any submitter wish to present their evidence in Te reo or New Zealand Sign Language, or utilise visual aids (PowerPoint, etc) they are requested to liaise directly with the Hearings Administrator, as soon as possible, but no later than 10 working days prior to the hearing regarding their needs.

EXPERT CONFERENCING / CAUCUSING

22. Following the provision of expert evidence, the Hearings Panel may decide that it would be beneficial for expert witnesses providing evidence on a specific topic to confer and attempt to reach agreement on issues, or at least to clearly identify the issues on which they cannot agree, and the reasons for that disagreement.
23. If that is the case the Hearings Administrator will advise which expert witnesses the Hearings Panel requests to conference. If expert conferencing occurs then a Joint Witness Statement (JWS) is to be prepared for each specific area of expertise. The expert witnesses should endeavour to provide the JWS to the Hearing Administrator prior to the hearing commencing, but the Hearings panel appreciates that this may not always be possible. We assume that the JWS will be prepared by the relevant CODC expert witness (or the Section 42A report author) unless the experts agree otherwise amongst themselves.
24. The Hearings Panel may additionally request further expert conferencing during or after the hearing, together with the preparation of additional JWS's.
25. 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 2023 –Expert Witness Code of Conduct available at the following website www.environmentcourt.govt.nz/assets/Practice-Note-2023-.pdf

HEARING NOTICE AND APPEARANCE TIMES

26. A notice of hearing will be circulated 20 working days ahead of the hearing date to advise of the hearing location and key dates for the exchange of evidence.
27. The Hearings Administrator will contact submitters who have expressed a wish to be heard 15 working days prior to each hearing to confirm that they still wish to be heard in relation to that topic. At that same time submitters will be requested to indicate how much speaking time they wish to have, and whether they intend to attend the hearing in person or via Microsoft Teams.
28. When requesting speaking times, submitters are reminded that the Hearings Panel members will have pre-read all of the pre-circulated material (submissions, further submissions, evidence and legal submissions) and the general expectation is that the Hearings Panel members will proceed directly to asking questions of counsel (if a submitter is represented by counsel) and each witness.
29. The exception to this will be for non-expert submitters who have not pre-circulated a written statement of evidence. In that case submitters will generally be given up to 15 minutes to speak to their submissions.

30. Each hearing day will be divided into four sessions (before morning tea, before lunch, before and after afternoon tea) and each submitter wishing to be heard will be assigned to one of those sessions.
31. Hearing schedules showing which day and which session each submitter is allotted to will be posted on the CODC's engagement platform www.lets-talk.codc.govt.nz/plan-change-19 at least 10 working days prior the hearing of each stage commencing.
32. However, submitters should be aware that hearings often run either late or early and that should be borne in mind when deciding when to arrive at the hearing venue.

HEARINGS ADMINISTRATOR

33. The CODC Hearings Administrator who is:

Name: Tarryn Lines

Email: districtplan@codc.govt.nz

SITE VISIT

34. The Hearings Panel members will undertake site visits during or after the hearing, as required.

CORRESPONDENCE

35. Submitters and other hearing participants must not attempt to correspond with or contact the Hearings Panel members directly. All correspondence relating to the hearing must be addressed to the Hearings Administrator.

SERVICE OF DOCUMENTS

36. All written material (evidence, hearing reports, JWSs and legal submissions) addressed by this Minute must be lodged with the Hearings Administrator within the timeframe indicated in Microsoft Word format by either:

Preferably email to districtplan@codc.govt.nz

or

Post addressed to Central Otago District Council, PO Box 122, Alexandra

Attention: Hearings Administrator

37. All written material relevant to the hearings will be posted on the CODC's engagement platform www.lets-talk.codc.govt.nz/plan-change-19.

DEVIATION REQUESTS

38. 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 Chair of the Hearings Panel and be provided to the Hearings Administrator. We will consider and determine any such requests on a case-by-case basis.

PROCEDURAL QUERIES

39. If any submitter who has a procedural query or wishes to raise a procedural matter prior to the hearings commencing, they must set that out in writing addressed to the Chair of the Hearings Panel and provide it to the Hearings Administrator. It will then be decided whether or not a hearing is required to consider any such matters. Alternatively, the Chair of the Hearings Panel may issue a procedural decision or minute addressing the matter raised.

Neil Gillespie



Central Otago District Council Hearings Panel (Chair)

22 March 2023