

Tararua District Council
DIRECTIONS OF THE COMMISSIONER

Introduction

- [1] Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Tararua District Council (TDC) has delegated to Independent Commissioner Rob van Voorthuysen the function of hearing submissions and making recommendations on an application by Energy Bay Limited for a solar power farm located 410 Mangamaire Road, Pahiatua.

Hearing

- [2] The hearing is scheduled for **Thursday 20 July 2023** in the Council Chambers, Dannevirke Service Centre, located at 26 Gordon Street, Dannevirke.
- [3] The hearing will commence at **9.00am**.
- [4] 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) A Section 42A Report¹ from TDC will be available on or before **Wednesday 28 June 2023** and will be provided to the Applicant and submitters. This will allow the Applicant and submitters to have regard to its contents when preparing their evidence. It would be extremely helpful to the Commissioner if the Applicant 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 Applicant is directed to provide their expert² evidence (if any) to the Hearings Administrator no later than **2.00pm on Wednesday 5 July 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 application, 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 TDC no later than **2.00pm on Wednesday 12 July 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 TDC no later than **2.00pm on Wednesday 12 July 2023**.
 - (g) If Applicant or submitter evidence to be presented by non-expert people is not provided to TDC 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 Hearings Administrator no later than **2.00pm on Tuesday 18 July 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

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 Commissioner.

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.

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 Commissioner 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 Commissioner anticipates 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 Commissioner. The Commissioner will then ask any questions he may have.
- (l) 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 Hearings Administrator no later than **2.00pm** on **Thursday 13 July 2023**.

Website

- [5] All information relevant to the hearing will be made available via email with a link included in that email.

Correspondence

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

Service on the Council

- [7] All documents addressed by this Minute must be lodged with TDC by:
 - Preferably by email to Allie.Dunn@Taranuadc.govt.nz or
 - By post addressed to Allie Dunn, Taranua District Council, PO Box 115, Dannevirke 4942.
- [8] 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 Commissioner.



Rob van Voorthuysen
Commissioner
16 June 2023