

BEFORE THE SOUTHLAND REGIONAL COUNCIL

IN THE MATTER OF **APP-20181129** Applications for Resource Consents to discharge treated wastewater to land and water, and to use land for construction of an effluent storage facility, for the Tokanui township sewage treatment system

APPLICANT Southland District Council

Minute No. 2 of Hearing Panel – Directions on Evidence and Pre-circulation

Pursuant to Section 34A of the Resource Management Act 1991 (RMA), Mr David McLernon (Chair) and Mr Rob Enright (Independent Commissioner) have been jointly appointed by the Southland Regional Council (Environment Southland or ES) to hear and decide the application lodged by the Southland District Council to discharge treated wastewater to land and water, and to use land for construction of an effluent storage facility, for the Tokanui township sewage treatment system.

A hearing has been set down for 9.00am, Thursday 16 May 2019 and Friday 17 May 2019 (if required). Note the venue for the hearing has been changed from the Kelvin Hotel previously advised to Council Chambers, Environment Southland, corner Price Street and North Road, Waikiwi, Invercargill.

The Hearing Panel has considered whether any orders are appropriate under Section 41C of the RMA. Taking into account the nature of the technical evidence to be produced by the applicant, Consent Authority and potentially to be produced by the submitters and the need to efficiently hear applications, we have concluded that all pre-circulated evidence should be read in advance, with that evidence being taken as read on the day. This is to provide time to focus on questions which the panel may have.

Accordingly the Hearing Panel makes the following directions:

1. Pursuant to sections 41C and 103B(2) of the RMA, the consent authority's Section 42A report and all accompanying briefs of expert evidence was provided to the parties, by way of email, directing the parties to the ES website, on 31 January 2019.
2. Pursuant to Sections 41C and 103B(3) of the RMA, the applicant shall supply all written briefs of evidence (the applicant's evidence) electronically to Ms L Bragg at ES (contact: lacey.bragg@es.govt.nz) no later than 12 noon on 2 May 2019.
3. That all the applicant's evidence be provided by ES to all the parties electronically by email or be made available for download from the ES website by no later than 5.00 pm on 2 May 2019.
4. Pursuant to Sections 41C and 103B(4) of the RMA, any person who has made a submission and who is intending to call expert evidence shall provide written briefs of that evidence (submitters' expert evidence) electronically to Ms Bragg no later than 12 noon on 9 May 2019.
5. That all the submitters' expert evidence be provided by ES to all the parties electronically by email or be made available for download from the ES website by no later than 5.00 pm on 9 May 2019.

6. Pursuant to Section 41C(1) of the RMA the Panel directs that, in terms of expert evidence pre-circulated in accordance with these Directions, the hearing will be conducted in the following manner:
- all pre-circulated evidence will be taken as read;
 - each witness whose evidence has been pre-circulated may read a summary of their evidence not exceeding 1 side of an A4 page (10 hard copies to be provided at hearing);
 - the applicant's expert witnesses may also provide written rebuttal evidence on evidence lodged by submitters (10 hard copies to be provided at hearing);
 - the witnesses should be introduced and asked to confirm his or her qualifications and experience;
 - the witness should be asked to confirm the matters of fact and opinion contained in the brief of evidence;
 - the witness will then be given an opportunity to draw to attention to key points in the brief. 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;
 - the witness may then be questioned by the Panel;
 - non-expert evidence, including any lay evidence or legal submissions should be tabled and read aloud on the day that the relevant party appears at the hearing (10 hard copies to be provided at hearing).
7. Any correspondence with the Commissioners should be directed to the Hearing Administrator, Ms L Bragg, in the first instance.

Dated: 2 April 2019



David McLernon
On behalf of the Hearing Panel