

Bay of Plenty Regional Council and Western Bay of Plenty District Council
DIRECTIONS OF THE COMMISSIONERS
Te Puna Industrial Limited

Introduction

- [1] Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Bay of Plenty Regional Council (BOPRC) and Western Bay of Plenty District Council (WBOPDC) have delegated to Independent Commissioners Rob van Voorthuysen, James Whetu and Fraser Campbell the functions of Hearing and deciding the applications lodged by Te Puna Industrial Limited for works associated with the development of a site at 297 Te Puna Station Road for industrial activities.

Hearing

- [2] The Hearing is scheduled for **Tuesday, 5 March 2024 to Friday, 8 March 2024** at the Stadium Lounge, Mercury BayPark, 81 Truman Lane, Mount Maunganui.
- [3] The Hearing will commence at **9:00 am** each day.
- [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 BOPRC and WBOPDC will be available on or before **Tuesday, 13 February 2024**, allowing the Applicant and Submitters to have regard to its contents when preparing their evidence. It would be extremely helpful to the Commissioners 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 **4.00pm on Tuesday, 20 February 2024**.
 - (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 the Hearing Administrator no later than **4.00pm on Tuesday, 27 February 2024**.
 - (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 the Hearings Administrator no later than **4.00pm on Tuesday, 27 February 2024**.
 - (g) If Applicant or Submitter evidence to be presented by non-expert people is not provided to the Hearing Administrator by the above dates, then those people should bring ten (10) hard copies to the Hearing.
 - (h) If the Applicant or any Submitters propose to have legal counsel present opening legal submissions, they are requested to provide those submissions to the Hearings

¹ A Section 42A Report includes a discussion of the application and the submissions. It recommends (with reasons) whether the consent applications should be granted or not. That recommendation does not bind the Commissioners.

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.

Administrator no later than **4.00pm** on **Wednesday, 28 February 2024**.

- (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 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 Commissioners 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 Commissioners anticipate that any such evidence will be concise.
- (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 Commissioners. The Commissioners will then ask any questions they may have.
- (l) 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 **Tuesday, 20 February 2024** regarding their needs.
- (m) If any participant intends to attend the Hearing remotely (e.g. by way of Zoom) 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 **4.00pm** on **Wednesday, 28 February 2024**.

Correspondence

- [5] 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, Melanie (Mel) Jones.

Service on the Council

- [6] All evidence and legal submissions addressed by this Minute must be lodged with BOPRC:
- Preferably by email to Melanie.Jones@boprc.govt.nz
 - or
 - By post addressed to Mel Jones, Bay of Plenty Regional Council, PO Box 364, Whakatāne 3158.
- [7] Evidence and legal submissions lodged must be provided in **Microsoft WORD** format. The documents must be 'unlocked' so that they can be annotated by the Commissioners.

Rob van Voorthuysen (Chair)
James Whetu
Fraser Campbell
Independent Commissioners
27 November 2023