

IN THE MATTER of the Resource Management Act 1991 (RMA)

AND

A Hearing of Application No: RC-2022-0032 Stopbank Raising and
Construction Waiho River

DIRECTION 1 FROM THE HEARING COMMISSIONER

1. Pursuant to sections 34 and 34A of the Resource Management Act 1991 (RMA), independent commissioner Peter Callander (the Commissioner) has been appointed by the West Coast Regional Council (the Council) to Chair the hearing on the above application. The purpose is to hear the application and submissions and to make a decision on the application.
2. The hearing is scheduled to commence at:
9.30am Tuesday 16 May 2023
Grey District Council
105 Tainui Street, Greymouth 7805

Site Visit

3. The Commissioner is intending to carry out a site visit before the hearing to become familiar with the area in which the proposed activity will occur. During the site visit, he will not speak to any of the parties directly about the application's merits.

Pre-Circulation of Evidence

4. Section 103B of the RMA requires that a consent authority must provide the section 42A reports to the applicant and submitters who wish to be heard, at least 15 working days prior to the hearing. In accordance with that requirement, the section 42A reports must be distributed to all parties to the hearing on or before **4pm, Friday 21 April 2023**.
5. Section 103B requires the applicant to provide the consent authority with briefs of evidence 10 working days before the hearing, and for submitters calling expert evidence to similarly provide that evidence 5 working days before the hearing. It is further noted that the consent authority must give written or electronic notice to the parties, that the applicant's evidence and any submitter expert evidence is available at the consent authority's offices. For this hearing there is one submitter.
6. Accordingly, the following directions are made:
 - a. Pursuant to section 103B(3) of the RMA, the Applicant is to provide written briefs of all their evidence to the Council no later than **4pm, Monday 1 May 2023**. As soon as practicable following receipt of any such evidence, the Council will provide a copy to all other parties to these proceedings by way of email.
 - b. Pursuant to section 103B(4) of the RMA, if the Submitter 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 the Council no later than **4pm, Monday 8 May 2023**. As soon as practicable following receipt of any such evidence, the Council will provide a copy to all other parties to these proceedings by way of email.
7. The Commissioner will read the evidence prior to the hearing.

Presentation of Evidence at the Hearing

8. Pursuant to s41C(1) of the RMA, 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;
 - 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 the attention of the Commissioner the 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 – 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 Commissioner 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 Commissioner.
9. 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.

Expert Conferencing

10. It is also requested that the expert witnesses for all parties (the Applicant, the Submitter and the author(s) of the s42A report) liaise amongst themselves in order to facilitate expert 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. The Commissioner 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.

Any Hearing Enquiries

11. Any enquiries regarding these Directions or the hearing process should be directed to:
- Rasela Barrow
Business Support Officer
West Coast Regional Council
rasela.barrow@wrc.govt.nz
12. Email will be the address for service for the applicant and submitters, unless advised otherwise.



Peter Callander
Independent Commissioner - Chair

14 April 2023