

**Otago Regional Council  
DIRECTIONS OF THE COMMISSIONERS  
Pioneer Energy Limited**

**Introduction**

- [1] Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Otago Regional Council (ORC) has delegated to independent commissioner Rob van Voorthuysen the functions of hearing and deciding the application lodged Pioneer Energy Limited to vary their existing water permits associated with Lake Onslow to increase to the seven-day draw down rate from 0.2 metres to 0.4 metres.

**Hearing**

- [2] The hearing is scheduled for **9.00am on Wednesday 6 July 2022.**
- [3] The hearing will be held in the Alexandra Community House, 14-20 Centennial Avenue, Alexandra.
- [4] The following directions relate to the hearing:
- (a) The order of appearance will be:
    - Applicant
    - Submitters
    - Section 42A Report author
    - Applicant's right of reply (which may be given verbally at the hearing or in writing thereafter)
  - (b) A Section 42A Report<sup>1</sup> from ORC will be available on or before **Tuesday 14 June 2022**, allowing 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 expert<sup>2</sup> evidence to the Hearings Administrator no later than **2.00pm on Tuesday 21 June 2022.**
  - (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, should submitters intend to call expert evidence in support of their submissions then they are directed to provide written statements of that evidence to the Hearings Administrator no later than **2.00pm on Tuesday 28 June 2022.**
  - (f) If the 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 **2.00pm on Tuesday 28 June 2022.**
  - (g) If Applicant or submitter evidence to be presented by non-expert people is not provided to ORC by the above date, then those people should bring ten (10) hard copies to the hearing.
  - (h) If any party proposes to have legal counsel present opening legal submissions, those parties are requested to provide the legal submissions to the Hearings Administrator no later than **2.00pm on Friday 1 July 2022.**

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<sup>1</sup> 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.

<sup>2</sup> 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.

- (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 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 that 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 Monday 4 July 2022**.
- (m) Should any participant 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 28 June 2022** regarding their needs.

#### Website

- [5] All information relevant to the hearing will be made available on the ORC website:  
<https://www.orc.govt.nz/consents-and-compliance/current-notified-applications>

#### 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 ORC Hearings Administrator, Tamsin Grigg.

#### Service on the Council

- [7] All evidence and legal submissions addressed by this Minute must be lodged with ORC:
- Preferably by email to [Tamsin.grigg@orc.govt.nz](mailto:Tamsin.grigg@orc.govt.nz)  
or
  - By post addressed to Tamsin Grigg, Otago Regional Council, Private Bag 1954, Dunedin 9054.
- [8] 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 Commissioner.



Rob van Voorthuysen  
8 April 2022