

**Otago Regional Council
DIRECTION OF THE COMMISSION**

Introduction

1. Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Otago Regional Council have delegated to me, Jan Caunter, as an independent commissioner, the functions of hearing and deciding the Mobil Oil New Zealand Limited application RM22.099 for discharge from a contaminated site.

Hearing

2. The hearing is scheduled for **Monday 30 January 2023**, commencing at **9.00am**.
3. The venue for the hearing is the **Metro Direct Lounge, Edgar Centre, Portsmouth Drive, Dunedin**.
4. The following directions relate to the hearing:
 - a. The order of appearance will be:
 - i. Applicant
 - ii. Submitter
 - iii. ORC Section 42A Report authors
 - iv. Applicant's right of reply (which may be given at the hearing or in writing thereafter).
 - b. The Section 42A Report from the ORC will be available on or before **2.00pm Monday 19 December 2022**, allowing the Applicant and the submitter to have regard to their contents when preparing their evidence. It would be helpful to the Commission if the Applicant and the submitter could indicate in their evidence if they agree or disagree (with reasons) with the Section 42A Report authors' conclusions.
 - c. Pursuant to section 41B(2) of the RMA, the Applicant is directed to provide its written expert evidence and non-expert evidence (if any) to the ORC Hearings Administrator no later than **2.00pm on Monday 16 January 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, the submitter must provide any written expert (including corporate) evidence in support of its submission to the ORC Hearings Administrator no later than **2.00pm on Monday 23 January 2023**.
 - f. If the Applicant proposes to have legal counsel present legal submissions on its behalf, the Applicant is requested to provide those legal submissions and digital copies of any cases referred to in those submissions to the ORC Hearings Administrator no later than **2.00pm on Thursday 26 January 2023**.

- g. If the submitter proposes to have legal counsel present legal submissions on its behalf, those submissions may be presented at the hearing, but must be provided in writing. Digital copies of cases referred to in those submissions must be provided to the ORC Hearings Administrator on the day of the hearing.
- h. All original submissions, pre-circulated evidence and pre-circulated legal submissions will be taken as read at the hearing. Accordingly, pursuant to section 41C(1)(b) of the RMA, the Applicant and submitter are directed that all such material will not be read aloud at the hearing, as that would be an inefficient waste of time given the Commission will have already read this material.
- i. At the hearing, expert witnesses may table and read aloud supplementary or rebuttal evidence responding to any expert evidence lodged by other parties. The Commission anticipates that any such evidence will be concise and limited to matters of fact rather than matters of opinion.
- j. All people appearing at the hearing will be allowed to verbally and briefly highlight key points from their evidence or legal submissions. The Commission will then ask any questions on that evidence or submissions. In the case of any legal submissions being presented by counsel for the submitter, those submissions may be read aloud as they will not have been pre-exchanged.
- k. If any party intends to present to the hearing by way of video conferencing (for example using Zoom), then any written material that will be referred to (such as speaking notes or diagrams additional to pre-circulated statements of evidence) must be provided to the ORC Hearing Administrator no later than **2.00pm Thursday 26 January 2023**. This will allow the Commission to follow what is being presented.
- l. Should any party wish to speak in Te Reo, utilise Sign Language, or utilise visual aids (such as PowerPoint), they are requested to liaise directly with the ORC Hearings Administrator as soon as possible, and prior to **Monday 23 January 2023**, regarding those 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. Hearing participants must not attempt to correspond with or contact the Commission directly. All correspondence relating to the hearing must be addressed to the ORC Hearings Administrator, Karen Bagnall.

Service on the Council

- 7. All evidence and legal submissions addressed by this Minute must be lodged with the ORC by email: karen.bagnall@orc.govt.nz.
- 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 easily annotated by the Commission.

Covid-19

9. At the time of preparing this Minute, no Covid-19 restrictions such as a requirement to wear masks and/ or social distancing are in place. Should that change, parties will be advised.
10. If you are experiencing any Covid-like symptoms, please do not attend the hearing.

Jan Caunter
Independent Commissioner
30 November 2022