

**Western Bay of Plenty District Council
DIRECTIONS OF THE COMMISSIONERS
Tinex Group Limited**

Introduction

- [1] Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Western Bay of Plenty District Council (WBOPDC) has delegated to Independent Commissioners Rob van Voorthuysen and James Whetu the function of hearing submissions and making decisions on an application made by Tinex Group Limited (Applicant) for the operation of industrial activity at 245 Te Puna Station Road, Te Puna, prior to the pre-requisite Te Puna Business Park Structure Plan development works being authorised and completed.

Hearing

- [2] The hearing is scheduled to commence on **Monday 9 October 2023** in the Western Bay of Plenty District Council's chambers at 1484 Cameron Road, Greerton.
- [3] The hearing will commence at **9.00am** 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 WBOPDC will be available on or before **Monday 18 September 2023** on the WBOPDC webpage (see paragraph 5 below), 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 WBOPDC no later than **2.00pm** on **Monday 25 September 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, submitters who intend to call expert evidence in support of their submissions are directed to provide a written statement of that evidence to WBOPDC no later than **2.00pm** on **Monday 2 October 2023**.
 - (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 WBOPDC no later than **2.00pm** on **Monday 2 October 2023**.
 - (g) If Applicant or submitter evidence to be presented by non-expert people is not provided to WBOPDC by the above dates, then those people should bring ten (10) hard copies to the hearing.
 - (h) If the Applicant or any submitter proposes to have legal counsel present legal submissions, they are requested to provide those submissions to the WBOPDC no later than **2.00pm**

¹ A Section 42A Report includes a discussion of the application and the submissions. It recommends (with reasons) whether the application 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.

on **Thursday 5 October 2023**.

- (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 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 Commissioners. The Commissioners will then ask any questions they 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 WBOPDC no later than **2.00pm** on **Wednesday 4 October 2023**.

Website

[5] All information relevant to the hearing will be made available on the WBOPDC website:

<https://www.westernbay.govt.nz/property-rates-and-building/district-plan-and-resource-consents/resource-consents/current-applications/te-puna-business-park-industrial-activities-public-notification>.

Correspondence

[6] Participants must not attempt to correspond with or contact the Commissioners directly. All correspondence relating to the hearing must be addressed to the WBOPDC.

Service on the Council

[7] All documents addressed by this Minute must be lodged with the WBOPDC:

- Preferably by email to natasha.ryburn@westernbay.govt.nz or
- By post addressed to:

Natasha Ryburn - Environmental Consents Manager
Western Bay of Plenty District Council
1484 Cameron Road
Greerton
Tauranga 3112.

[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 annotated by the Commissioners.



Rob van Voorthuysen
Hearings Commissioner
6 September 2023