

Before Hawke's Bay Regional Council and Hastings District Council

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Application by Hastings District Council and Napier City Council to Hawke's Bay Regional Council for resource consents authorising the operation of Area B at Ōmarunui Landfill

AND

IN THE MATTER of a notice of requirement by Hastings District Council to Hastings District Council for alteration of designation for the Ōmarunui Regional Landfill

FOURTH MINUTE OF HEARINGS PANEL

Dated 21 October 2021

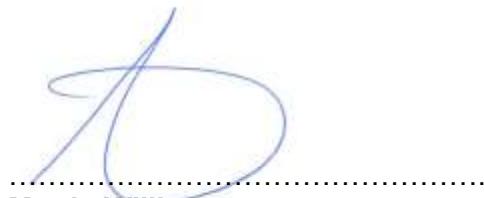
MAY IT PLEASE THE COMMISSIONERS

1. Further to the Panel's third minute of 19 October 2021, one response has been received, namely from counsel for Bearsley Farms Limited (**BFL**).
2. Counsel for BFL appears to oppose a remote access hearing on the basis that this would create additional costs and practical issues and with an understanding that only 1 of the Applicant's witnesses (along with counsel for the Applicant) would be unable to attend in person due to Covid restrictions.
3. It is further submitted that no genuine reason had been given as to why a "part in person part remote access" hearing could not take place.
4. Counsel for BFL does not otherwise oppose the directions proposed by counsel for the Applicant, as addressed in the Panel's previous minute.
5. The Panel's understanding¹ is that in fact six of the Applicant's witnesses are based in Auckland, along with counsel for the Applicant.
6. The Panel does not consider it to be safe, appropriate, fair or efficient to compel or require any of those witnesses (or counsel for the Applicant) to attend in person.
7. On that basis we remain of the view that as a matter of fair and even treatment to all parties and witnesses, the hearing should proceed by AVL for all parties and witnesses.
8. The directions outlined at paragraph 13 of the Panel's previous minute are hereby confirmed, noting that rebuttal evidence to that circulated by Mr Bearsley has already been received.
9. For completeness we should record that Commissioner Mark-Brown will also be participating by means of AVL, with Commissioners Williams and Kirikiri based in the Regional Council meeting chamber along with the reporting officers.
10. We invite counsel for BFL to liaise with Ms Tinker as to how any of the practical concerns raised about an AVL appearance can be resolved, and to revert to us further if that is not to her client's reasonable satisfaction.

¹ Counsel for the Applicant's memorandum of 31 August 2021.

11. Finally, questions from Commissioner Mark-Brown are attached, for response in writing prior to the hearing. It is unlikely any further questions will be put in writing before the hearing for such response.

Dated: 21 October 2021



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Martin Williams
Chair of Hearings Panel