

HAWKES BAY REGIONAL COUNCIL & HASTINGS DISTRICT COUNCIL

HEARING OF RESOURCE CONSENT APPLICATIONS BY THE TE MATA MUSHROOM COMPANY LTD

DIRECTIONS OF COMMISSIONER HEARING PANEL: No.1

Applications by 'The Te Mata Mushroom Company Ltd' to- discharge contaminants to air from a composting and mushroom growing operation and associated activities; and land-use consent to increase production of mushrooms from 25 tonnes per week to 100 tonnes per week including increasing compost production up to 500 tonnes per 7 day period, extension of existing Phase 1 bunkers, construction of a new building (adjacent to Phase 2 tunnels) , concrete pad and a recycled water/oxidation pond.

We (Bill Wasley, Paul Cooney and Louise Wickham) have been appointed by the Hawkes Bay Regional Council and Hastings District Council, to hear and determine the above applications. The hearing will commence on Wednesday 31 July 2019 at 1pm.

We have received a request from the applicant's counsel requesting clarification on a number of matters by way of correspondence dated 9 July 2019. The matters primarily related to the expert witness presentation of evidence, how supplementary evidence will be provided at the hearing, and related matters.

We wish to note that the Panel will have read all application documentation and associated reports prior to the hearing. In addition, all pre-circulated evidence will have been read by the Panel. Notwithstanding this, it is the expectation of the Panel that witnesses summarise their pre-circulated evidence, and the Panel may then pose questions to the witness.

Having considered the requests, and in the interests in conducting an efficient and effective hearing, we have decided to issue directions pursuant to our powers under the Resource Management Act 1991 (RMA) primarily s41C of the RMA.

Accordingly, we make the following directions:

1. We confirm that the briefs of evidence prepared by the applicant's expert witnesses summarise the conclusions reached in their respective technical reports submitted as part of the application, and also respond to matters raised in the s42A report and in submissions. For the sake of clarity, the brief should explain the basis for the conclusions in their evidence with reference to the relevant matters set out in their technical report. At the hearing, a summary statement of their evidence should be provided by each witness given the Panel would have read all reports and pre-circulated evidence.
2. If supplementary evidence is to be presented in response to pre-circulated expert or non-expert evidence, this is to be tabled and presented at the hearing by the witness after presentation of their evidence in chief.
3. The briefs of evidence of experts called by submitters, should also explain the basis for conclusions reached in any technical reports and investigations they have undertaken; and at the hearing, a summary statement of their evidence should be provided by each witness, given as noted above, that the Panel would have read all reports and pre-circulated evidence.

4. The hearing will be conducted in the following manner:
 - The party adducing the pre-circulated evidence is to call the witness in person (unless attendance in person has been waived), commencing with the applicant and followed by submitters.
 - The witness will be introduced and asked to confirm his or her qualifications and experience.
 - The witness will present a written summary of their evidence as well as present any supplementary and/or rebuttal evidence (verbally or in writing) not contained in the pre-circulated evidence. Any supplementary evidence should not repeat matters already covered in the pre-circulated evidence.
 - We have no legal power to direct lay (non-expert) witnesses to pre-circulate their evidence. However, submitters and lay witnesses are welcome to pre-circulate their evidence in accordance with the above directions. If they do, the evidence will be pre-read and will be dealt with in the manner outlined above.
5. In respect of any expert witnesses not being called by the applicant, and where they have provided technical reports to the applicant, we request a summary statement be presented at the hearing outlining any matters and conclusions reached having considered the section 42A report and any submitter expert evidence.
6. Witnesses that have provided evidence are to attend the hearing in person unless attendance is waived. If attendance is waived, and the Panel has questions of the witness, the witness needs to be available to respond to such questions by telephone. The Panel however requests that all 'Air Quality Experts' be present at the hearing to respond to questions the Panel may have.



Bill Wasley
Commissioner Chair, on behalf of the Hearing Panel

Dated this 16th day of July 2019