

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** an application for land use consent to establish, maintain and operate a wind farm on the ridge of Mount Cass, Waipara

**BETWEEN** **MAINPOWER NEW ZEALAND LIMITED**

The Applicant

**AND** **HURUNUI DISTRICT COUNCIL**

The Local Authority

**MEMORANDUM OF COMMISSIONERS RELATING TO PRELIMINARY AND PROCEDURAL MATTERS**

- 1 The Hurunui District Council has appointed three Commissioners to hear and decide the resource consent application by Mainpower New Zealand Limited to establish, operate and maintain a wind farm on the ridgeline of Mt Cass at Waipara with the full powers of the Council as consent authority.
- 2 The purpose of this memorandum is to address some preliminary and procedural matters to enable the orderly and efficient running of the hearing of submissions.

**Date of hearing**

- 3 The hearing will commence on **Monday, November 24 2008** at **9.30 am** and run over the following dates:
  - (a) Monday, November 24 to Friday, 28 November 2008;
  - (b) Monday, 1 December to Wednesday, 3 December 2008; and
  - (c) Monday, 8 December 2008 until conclusion.

**Venue of hearing**

- 4 The first week of the hearing from Monday 24 November to Thursday 27 November 2008 will be held at the Latimer Hotel & Conference Centre, located at 30 Latimer Square, Christchurch. Friday, 28 November 2008 is to be set aside for a site visit by the Commissioners.
- 5 The remainder of the hearing will be held at the Hurunui District Council office at 66 Carters Road, Amberley.

**Pre-provision of evidence**

- 6 Given the nature of the consent application and the potential complexity of the issues involved, it is considered that the pre-provision of evidence will produce the following benefits:
  - 6.1 Reduce the length and potential cost of the hearing by focussing attention on matters remaining in contention and conflicting opinions, thereby narrowing the scope of evidence presented;

- 6.2 Help the Commissioners to better prepare for the hearing and assume a more inquisitorial role;
- 6.3 Enable the reporting officer to consider the evidence before the hearing and to seek further opinion from other staff if necessary.
- 7 For the above reasons, pursuant to section 41B of the Resource Management Act 1991, **we direct that evidence be pre-provided** in accordance with the following timetable:
- (a) The Council will circulate the section 42A Officers' Reports to all the parties by no later than **Friday 31 October 2008**, being 15 working days before the hearing;
  - (b) **The applicant** must provide briefs of evidence by no later than **Friday 7 November 2008**, being 10 working days before the hearing; and
  - (c) **Any person who has made a submission** and is intending to call expert evidence must provide briefs of evidence by no later than **Monday 17 November 2008**, being 5 working days before the hearing.

#### **Timetable for appearance of submitters**

- 8 We request that any person who has made a submission and wishes to be heard contact Helga Rigg on or before **Friday 14 November 2008** at [helga.rigg@hurunui.govt.nz](mailto:helga.rigg@hurunui.govt.nz) or phone: (03) 314 0020 and indicate:
- (a) Your preference as to the day and time (morning or afternoon) you would like to be heard, and days when you are not available; and
  - (b) The length of time you need to present your submission.
- 9 Once this information has been received, a timetable for the hearing will be circulated to the applicant and all submitters. A copy of the timetable will also be displayed at the venue for the duration at the hearing.
- 10 All parties are to use their best endeavours to comply with this timetable and update it if necessary to ensure the orderly and efficient running of the hearing.
- 11 Although you will be allocated a certain time to present your submission, we wish to make it clear that the hearing process is open to the public and members of the public and submitters are welcome to attend at any time.

#### **Concerns with procedure**

- 12 If there are any issues with the procedure outlined in this memorandum, we ask that you please set out your concerns in writing to Helga Rigg at [helga.rigg@hurunui.govt.nz](mailto:helga.rigg@hurunui.govt.nz) or C/- Hurunui District Council, PO Box 13 Amberley 7441, by no later than **Friday, 31 October 2008**. Any concerns will be passed on to the Commissioners for consideration and further determination if required.

Per Paul Rogers for and on behalf of the Panel



23 October 2008

Paul Rogers (Chairperson)  
Dean Chrystal  
Paul Thomas