

Under the Resource Management Act 1991

IN THE MATTER OF an application from KeaX Limited to construct and operate a 111ha solar array at 115 and 187 Buckleys Road, Leeston.

FIRST MINUTE OF THE HEARING COMMISSIONER – PRELIMINARY MATTERS

Introduction

- [1] You have received this Minute because you have either made a submission, have been involved in the preparation of, or are an expert witness in the matter above.
- [2] This document is referred to as a Minute. Prior to, after and during the hearing there may be other Minutes which are sent out by myself as Commissioner to address particular issues. The general function of this Minute (1) is to set out some preliminary matters in preparation for the hearing.
- [3] Minute 1 covers:
 - a. My appointment as Commissioner.
 - b. The purpose of the Hearing.
 - c. The Hearing dates and venue.
 - d. The exchange of evidence and legal submissions.
 - e. Site and locality visit.

Appointment

- [4] The Selwyn District Council (**the Council**) has appointed me as an Independent Commissioner pursuant to section 34A of the Resource Management Act 1991. I have been delegated the task of hearing evidence and submissions, and then making a determination on the resource consent application.

Purpose of the Hearing

- [5] It is understood that eight (8) submissions have been received on the above resource consent. The hearing purpose is to allow me to hear from and ask questions of the Council planning officers/expert witnesses, submitters, and any expert witnesses assisting submitters. This helps me to understand the key issues so as to make a determination.

- [6] Importantly, RMA hearings are not a debate or a court proceeding, they are an inquiry. Whilst the Hearing will be held without undue formality, there is a tight structure in terms of the presentation of material, and I am the only person to ask questions; there will be no-cross examination.
- [7] I will have read submissions and all pre-circulated reports, evidence and legal submissions in advance of the hearing. Therefore, it is expected that presentations will focus on the key matters to be raised, rather than read entire report, evidence or legal submissions verbatim – concise expert summaries are to be encouraged. An exception is provided for submitters.

Hearing Particulars

- [8] I wish to advise that the Hearing is to be held at the Taumutu & Tauwharekakaho rooms located at Selwyn District Council HQ – 2 Norman Kirk Drive, Rolleston commencing on **Monday 4 March**. Additional days at the same venue are provided on Tuesday 5 March and Friday 8 March. Each day will commence at **9.00am**.
- [9] In terms of the sequencing at the Hearing:
- a. The Applicant, their legal counsel and experts will present first (it is anticipated that this presentation will take most of Monday 4 March);
 - b. Submitters, and their legal counsel and experts (as provided) will then be heard.
 - c. The Council Team will then present their evidence, and respond to any matters raised by either the Applicant or Submitters.
 - d. Lastly, the Applicant will be provided with a Right of Reply to any matters arising from Submitters or the Council Team. The Applicant will be asked to advise as to whether they wish to respond verbally in that moment or respond at a later date in writing.

Evidence Exchange

- [10] The Council will provide a copy of the Planner's Report and any expert evidence by **4pm on Friday 9 February 2024**.
- [11] The Applicant will provide a copy of their evidence to the Council by **4pm on Friday 16 February 2024**.

- [12] The Submitters will provide a copy of any expert evidence to the Applicant and the Council **by 4pm on Friday 23 February 2024.**
- [13] Given the nature of the Hearing, I request that any Legal Submissions to be provided by either the Applicant or Submitters are to be provided to the Council and other parties by **4pm on Friday 1 March 2024.**
- [14] To be clear, submitters do not need to circulate any non-expert presentation evidence / material they wish to speak to at the hearing. The above circulation requirements only apply to any expert evidence and / or any legal submissions. For any questions of clarification about professional expertise please contact the Council Planner, Mr Richard Bigsby ((03) 347 2800) in the first instance.

Site Visit

- [15] I am generally familiar with the subject site and adjoining area.
- [16] I expect to take a more detailed site visit before (and subject to access being provided by the Applicant) after the Hearing. In that respect, if any party has a desire for me to visit particular locations / sites they should advise the Council Planner as above.

Nest Steps

- [17] I will issue further Minutes on any further updates in relation to the Hearing's proceedings in due course.
- [18] Any submitter enquires relating to the Hearing should be directed to the Council Planner.



Matt Bonis

Independent Hearing Commissioner

26 January 2024