

Hearing Procedures

Sunfield Hearing [FTAA-2505-1039] under section 57 of the Fast-track Approvals Act 2024

Issued by the Sunfield Expert Panel:

Philip Maw (Chairperson)

Dr Lee Beattie

Vaughan Smith

Purpose of the hearing procedures

The Sunfield Expert Panel (the Panel) makes these Procedures to set the principles and rules by which the hearing for the Sunfield application under the Fast-track Approvals Act 2024 (the Act), will run in a manner that is appropriate and fair in the circumstances and avoid unnecessary formality as required.

The purpose of the hearing is to ensure the Panel has sufficient information on which to base its decision for the Sunfield application.

Amendments or updates to the hearing procedures

Should any party wish to deviate from any requirement identified in these procedures, a written request shall be made to the Panel via the Fast-track Team by email at info@fasttrack.govt.nz

Any such request must contain a full explanation of why the deviation is requested.

Amendments or updates may be made to these procedures as directed by the Panel. Parties will be notified of any changes via the Fast-track website here:

<https://www.fasttrack.govt.nz/projects/sunfield>

Revision Notes

Issue 1: First issue

Communications from/to the Panel

1. The Panel will communicate via the Fast-track Team at the EPA or by way of the issue of a Minute which will be uploaded on the Fast-track website.
2. All communication with the Panel must be made via the Fast-track Team using the contact details provided in these procedures.
3. Email: info@fasttrack.govt.nz
4. Phone: 0800 327 875

Note: Generally, all correspondence to the Panel will be made available on the website, unless it is of a purely administrative nature. The EPA will redact certain contact details from the correspondence, in particular a person's personal email address and phone number but will not redact a company's or a parties legal counsels contact details.

Hearing

5. There is no requirement for a panel to hold a hearing on a consent application or notice of requirement and no person has a right to be heard by a panel.
6. In its discretion the Panel has decided that a hearing is necessary to address an issue or issues relating to the application.
7. A hearing may be limited to specific issues identified by the Panel. Please note that any questions asked are intended to obtain information that will assist the Panel's deliberations, and do not imply that the Panel has reached a view on any issue listed.
8. A hearing may be held in person at a specified location or venue, or by remote access using Zoom/Microsoft Teams.
9. Participants invited to take part in a hearing must confirm in writing to the EPA their availability to appear, the number of people whom they will have representing them and the name and title of their representatives/witnesses. For a virtual hearing you require a dedicated access link to speak at the hearing and this must be organised in advance.
10. All evidence shall be provided to the EPA in electronic form, as per the requirements set out in these procedures.
11. The hearing will be a public hearing, with access to the public available at a link that will be notified.

This link will be live at the start of the hearing.
12. The Panel can consider limiting circumstances for a party to speak or call evidence where there is likely to be excessive repetition.
13. No person, other than the chairperson or members of the panel, may question a party or witness unless the Panel gives permission to cross-examine a witness.

Note: Only those who the Panel, in their discretion, are to be heard can speak at the hearing. Members of the public can only view the hearing.

Health and Safety for in-person hearings

14. Parties are responsible for ensuring their own health and safety at the hearing.
15. The Fast-track Team will take all reasonable steps to ensure the safety of all parties attending the hearing. If you have concerns about your safety at the hearing, please raise it with the Fast-track Team.
16. Hazards or potential hazards should be raised with the Fast-track Team as soon as practicable.
17. In the event of an emergency during the hearing, parties are to adopt the emergency procedures specific to the venue and follow instructions of the Fast-track Team or venue staff should evacuation be required.

Hearing schedule.

18. A Hearing Schedule will be produced and updated as necessary. This will be made available on the Fast-track website and will contain the dates, order of speakers on each day with approximate timings. Speakers will be emailed a dedicated link to the hearing no more than 24 hours in advance of the hearing.
19. The Hearing Schedule is subject to change. Parties are expected to keep up to date with progress of the hearing on the day they are to appear and be ready to speak at any time.

Opening the hearing

20. The hearing may open with a mihi whakatau and an opening statement from the Chairperson of the Panel.

Witnesses appearing at the hearing (providing evidence)

21. The Panel may direct that a witness need not appear at the hearing. This may occur where there are no questions for that witness or the witness's evidence is not contested by any other party. In this case, their evidence will be taken as read.
22. Witnesses will **not** be sworn or affirmed but must ensure that the statement of evidence they have produced is true and correct. Expert witnesses are required to abide by the Environment Court of New Zealand Practice Note 2014: [Practice-Note-2014.pdf](#)
23. Expert witnesses for a subject area will be heard consecutively where practicable , or concurrently, at the direction of the panel. Expert witnesses for a particular subject area should make every effort to attend the hearing when other experts are giving relevant evidence. Witness attendance will proceed on the basis that the witness has familiarised themselves with other relevant information from the hearing.

24. Witnesses will not read their evidence at the Hearing unless requested to do so by the Panel. Witnesses may, at the direction of the Panel:
- a. present a concise summary of their evidence; this summary should cross reference back to the evidence;
 - b. explain relevant figures, plans and tables;
 - c. outline and highlight any corrections in the evidence; and
 - d. summarise any changes to their evidence as a result of pre-hearing meetings or expert conferencing.
25. Limits may be placed on the time witnesses have to present their evidence and will be set out in the Hearing Schedule to be prepared.

Presentation/electronic media requirements at the hearing

26. Under a virtual hearing there are no hard copy requirements for material presented at the hearing. All evidence shall be provided to the EPA in accordance with the Panel's directions. This will be made available on the Fast-track website.
27. During the Hearing, parties may be required to share screens.
28. Any person intending to use electronic media (e.g. Power Point) as part of their presentation may do so by prior arrangement with the EPA.
29. EPA systems at the hearing will enable the viewing of PDF documents, PowerPoint presentations, picture files and video files (using a standard .mp4 or .wav video format).
30. Intentions to use electronic media should include the type of electronic media to be used, and whether any specific system or software requirements are needed.

Presenting in Te Reo / Sign Language

31. Any person may speak in Te Reo Māori at the hearing. The EPA must be informed of the intention to use Te Reo Māori so that an interpreter can be arranged.
32. Any karakia, powhiri, or mihi will not be translated into English unless this is specifically requested before the hearing. To aid the Panel, an English interpretation of the karakia, powhiri or mihi may be provided by the presenter.
33. Any person may provide their written evidence or a representation in Te Reo Māori, in which case an English version is to be provided by them.
34. Any party, representative or witness may present in New Zealand Sign Language at the hearing. The EPA must be informed of the intention to use New Zealand Sign Language so that an interpreter can be arranged.

Record of proceedings

35. The EPA will have the hearing proceedings recorded. The recording will be made available on the Fast-track website, as soon as reasonably practicable following the close of the hearings

Role of Fast-track Support Staff

36. The Fast-track Team will make the arrangements for the hearing on behalf of the Panel and will attend the hearing to assist the Panel with the administration of the hearing.
37. The Panel will also be supported by the Fast-track Team to assist with document management and to manage the hearing schedule. The Fast-track Team can be contacted using the arrangements outlined on page 2 of these procedures.
38. All communications to the Panel shall be via the Fast-track Team via email at info@fasttrack.govt.nz

Media requirements

39. The hearing will be open to the public (except to the extent that any protection of sensitive information applies). Representatives of the media are free to attend and report the proceedings. For a virtual hearing, access to media will be through a public link provided on the Fast-track website.
40. At an in-person hearing cameras, video-recorders and audio recorders can only be used by media or any other person in the hearing, with prior permission from the Panel Chair. Applications for permission to record can be made to the Chairperson of the Panel in advance by emailing the Fast-track Team on media@fasttrack.govt.nz
41. Media interviews are not allowed in the hearing room. The Panel are not available for media interviews. The EPA will be available to provide process information to the media. All general media enquiries should be directed to media@fasttrack.govt.nz
42. The Panel will operate under the Media Guide for reporting the Courts and Tribunals (Edition 3.1) Appendix F - Environment Court in-court media coverage guidelines which can be found on the Ministry of Justice website at: <https://www.justice.govt.nz/about/news-and-media/media-centre/media-information/media-guide/appendices/appendix-f/>