IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of **Private Plan Change 28** – CCKV Maitai Dev Co LP & Bayview Nelson Limited) - 7 Ralphine Way, Maitai Valley and Bayview Road to the Nelson Resource Management Plan.

DIRECTION (6) FROM THE HEARING PANEL

SUBMITTERS TIME TO PRESENT AT THE HEARING[1]

1. Pursuant to sections 34 and 34A of the RMA, Nelson City Council (the Council) has appointed a Hearing Panel consisting of independent hearing commissioners - Greg Hill (Chairperson), Sheena Tepania, Gillian Wratt and Nigel Mark-Brown. The Hearing Panel's function is to hear the application and submissions and make a recommendation to the Council on those submissions and the Plan Change. Our delegations also include addressing any procedural issues.

2. The purpose of this Direction is to ensure that the Hearing Panel can hear from all submitters wishing to be heard at the hearing within the allocated hearing days. As a significant number of submitters have requested to be heard, the Hearing Panel may need to limit the time in which submitters can speak.

3. The RMA provides the Hearing Panel with a number of powers to ensure an efficient hearing occurs. Some of those, relevant to this Direction, are set below.

4. Section 40 of the RMA (Persons who may be heard at hearings) states:

   (1) Notwithstanding subsection (1)[2]*, the authority may, if it considers that there is likely to be excessive repetition, limit the circumstances in which parties having the same interest in a matter may speak or call evidence in support.*

5. The Hearing Panel wishes to make it clear that it will endeavor to hear all submitters who wish to be heard (within the hearing dates allocated). However, should the circumstances set out in section 40 of the RMA arise, the Hearing Panel may need to limit the circumstances in which parties having the same interest in a matter may speak or call evidence in support.

6. Section 41C of the RMA (Directions and requests before or at hearings) enables the Hearing Panel to:

[1] This Direction only applies to those submitters not calling expert witnesses. Those submitters calling expert witnesses have been contacted separately.

[2] In summary it states the applicant, and submitters that wish to be heard at the hearing may speak (personally or through a representative) and call evidence.

(1) Before or at the hearing, the authority may—

(a) *direct the order of business at the hearing, including the order in which evidence and submissions are presented; or*

(d) direct a person who has made a submission, when presenting evidence or a submission, to present it within a time limit.

(2) Before or at the hearing, the authority may request a person who has made a submission to provide further information. (Underlining is ours)

7. We understand the Council has already requested submitters to advise how long they may wish to speak at the hearing; and submitters have responded to this request. The majority of submitters have requested 15 minutes or less. Those submitters who have requested 15 minutes or less do not need to do anything more in relation to this Direction.

8. Some submitters have requested more than 15 minutes to present their case. For those submitters the Hearing Panel directs that they inform the Council's Senior Administrator (contact details below) in writing:

- The amount of time they seek to present to the Hearing Panel;
- Why they need that amount of time (over and above 15 minutes); and
- Specifically identify the topics, issues and/or material they intend to speak about (that is within the scope of their submissions). This needs to be in sufficient detail for the Hearing Panel to understand why the additional time sought is necessary.

9. Any written application for more than 15 minutes of time must be provided to the Council's Senior Administrator no later than 12:00pm, Friday 24 June 2022. If no written request is made, 15 minutes will be allocated.

10. The Hearing Panel will determine if any additional time (more than 15 minutes) will be allocated to submitters seeking an extension of time. The decision may be to grant or refuse the application; and if granted may be subject to conditions such as providing the information/evidence within a specified time frame before the hearing so that the Hearing Panel can read it in advance of the hearing. This is to ensure an efficient hearings process.

11. Any enquiries regarding these Directions, or any related matters, are to be directed to the Council's Senior Administrator, Ms Rebecca Dowling at Administration@ncc.govt.nz



Greg Hill Chairperson

10 June 2022