**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 (7) FROM THE HEARING PANEL**

**FURTHER EXPERT PLANNING CONFERENCING AND MS STEVEN'S SITE VISIT.**

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 Hearing Panel has received a Memorandum from Mr Maassen, the Applicant's legal counsel dated 22 June 2022 – "Memorandum of the Applicant on Housekeeping Matters", and a Memorandum from Ms Gepp, Save the Maitai's legal counsel dated 23 June 2022 – "Response to Memorandum by the Applicant dated 22 June". This Direction addresses both Memoranda.

3. Mr Maassen's Memorandum addresses three matters – "*Electronic Bundle*" (which we acknowledge but do not need to respond to); "*Further Planning Conferencing";* and "*Site Visit by Ms Steven*". We address the latter two matters, noting Ms Gepp's Memorandum only addresses the issue of the site visit by Ms Steven.

*Further Planning Conferencing*

4. Mr Maassen has set out at paragraph 6 of his Memorandum the following:

> *"The Applicant raised the possibility of further conferencing by planners with the Council but NCC has not embraced the idea."*

5. We are advised by the Council that Ms Sweetman does not have capacity ahead of the hearing to undertake additional conferencing. However, we understand she would support further conferencing during the hearing once all parties have heard from the Applicant's and Submitters planning experts, and that some clarity is provided from the Hearing Panel about the nature and scope of any further conferencing.

6. The Hearing Panel agrees there may be merit in further expert conferencing, and we agree with the approach set out in the previous paragraph. The Hearing Panel will address this matter at the hearing.

*Site Visit by Ms Steven*

7. The issue of a site visit (or current lack of) by Ms Steven is addressed in some detail in both Memoranda. The Hearing Panel understands the issues that have (to date) resulted in Ms Steven not having been onto the Private Plan Change 28 site prior to filing her expert evidence.

8. Given the situation that has arisen, and Ms Steven's desire to undertake a site visit prior to presenting her evidence at the hearing, we request that reasonable access to the site, if at all possible, be made available to Ms Steven. We note, as set out in Ms Gepp's Memorandum, "*reasonable access*" will likely mean access over the weekend of 16 – 17 July 2022.

9. Legal Counsel, when presenting their case, will be able to address the Hearing Panel on the implications of, and weight to be given to, Ms Steven's evidence given the situation set out above and in the two Memoranda.

10. Any enquiries regarding these Directions or related matters should be directed to the Council's Senior Administrator, Ms Rebecca Dowling at environmental.planning@ncc.govt.nz



Greg Hill Chairperson
26 June 2022