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 (9) FROM THE HEARING PANEL

EXCUSING SOME EXPERT WITNESSES FROM HAVING TO ATTEND THE HEARING OR TO PRESENT THEIR EVIDENCE – MESSER'S HEATH, BENNISON AND FOLEY.

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 read the application (and all associated material), the Joint Witness Statements from expert conferencing, the Section 42A and 42A Addendum report, the expert evidence of the applicant and submitters. Having read that material, and pursuant to section 41C of the RMA, the Hearing Panel excuses those witnesses listed below from having to attend and present their evidence at the hearing[1].

    - **Mr Heath** (economics); and
    - **Mr Bennison** (productive land).

3. We note that there are essentially no matters in contention between the relevant experts in terms of economics and productive land; and we have no questions for them. However, notwithstanding this should any questions arise for Mr Heath or Mr Bennison during the course of the hearing, the Hearing Panel will either provide written questions, or if necessary call them to the hearing (either by phone or on-line).

4. With respect to geo-technical matters, we do not need **Mr Foley** to present his evidence. There are no matters in contention between the relevant experts, and we do not have questions on Mr Foley's evidence per se. However, geo-technical matters are likely to be relevant in respect of other evidence - namely earthworks/sediment control/stormwater, and we may have questions for Mr Foley in relation to those matters.

[1] Including the equivalent experts who are part of the section 42A reporting team.

5. Accordingly we request that Mr Foley be at the hearing when the Applicant's earthworks/sediment control/stormwater experts are presenting. This is to enable Mr Foley to answer any questions we may have of him.

6. Any enquiries regarding this Direction or related matters should be directed to the Council's Senior Administrator, Ms Rebecca Dowling at Administration@ncc.govt.nz



Greg Hill Chairperson

4 July 2022