

A resource consent hearing is a public meeting to give all parties a fair opportunity to present facts and to make their views known on an application for a resource consent. These guidelines are designed to familiarise applicants and people making submissions with the hearing process.

HEARING COMMITTEE

A hearing committee is made up of councillors and/or independent commissioners (one of whom will act as a chairperson). Their role is to listen to arguments for and against a proposal put forward by the applicant and submitters, and they are usually authorised to make a final decision on it.

EVIDENCE/SUBMISSIONS

The statement you read out at the hearing will expand on the points you've made in your written submission. Evidence is anything that backs up your statement. Evidence can be oral, written or visual – you can use photographs and drawings as evidence. Evidence should focus on facts – not emotions – and be directly relevant to the submission.

The hearing notice will tell you how many copies of your submission are required on the day of the hearing. These will be circulated to the Committee and relevant parties.



How to do well on the day

- Read your statement clearly and slowly enough to be understood.
- Stick to the facts in your statement.
- Expand on your application/submission, but do not introduce any new issues.
- Focus on the environmental matters.
- Avoid repetition and be concise.
- Don't play on emotions or breach protocol.
- The hearing is neutral; leave your personal opinions of the Council or attendees at the door.
- Use an advocate or lawyer if you think it will help.

Council Hearings are open to the public. Go along to one, and watch how it works. It's the best way to prepare.

THE HEARING PROCESS

If you are taking part in a hearing, report to Council's Customer Services Centre, where a staff member will direct you to the hearing venue. This is usually the Council Chambers on the first floor. You can enter at any time and sit in the public gallery at the rear. A photo has been supplied to show seating arrangements. The RMA Hearings Facilitator will be on hand if you require assistance.

Order of events

The Committee Chairperson will introduce the application and ask the parties to identify themselves. If you have special time constraints, mention them at this stage and they will be accommodated, if possible.

The hearing begins with the applicant and his/her witnesses presenting their submissions/evidence, after which the Committee is able to ask questions of clarification. Cross examination is strictly prohibited.

Next, submitters and their witnesses present their submissions/evidence. When the Committee has questioned them, the applicant will be given the opportunity to ask questions (again, of clarification only) through the Chair.

The Resource Management Officer will have the opportunity to speak to his/her report on the application.

The applicant has the right of reply to points raised by, or on behalf of, submitters. This should be limited to responding to outstanding matters raised during the hearing, not repeating the application's merits or introducing new matters. The hearing closes and the hearing committee

makes its decision. This is usually done in private.

INABILITY TO ATTEND

If you are a submitter at a hearing, but are unable to attend, please advise the RMA Hearings Facilitator. You can provide copies of your submission to be circulated to the Committee and relevant parties. In addition you can nominate someone to read your submission, however this person can not answer questions on your behalf.

PRESENTATION AIDS

An overhead projector is available for use by people presenting submissions/evidence. Please tell the RMA Hearings Facilitator before the hearing if you want to use the data projector.

A lectern is available for presenting submissions/evidence, or you can speak from the table if you prefer.

CAR PARKING

For hearings held at the Council Chambers the Alfred Street metered carpark is available adjacent to Council.

CANCELLATION/DEFERMENT

In the event that a hearing is cancelled or deferred within 10 working days of the hearing date a fee of \$750 may be charged to the applicant.

DECISIONS ON APPLICATIONS

The matters the Committee considers in reaching its decision are largely governed by Part II of the RMA (sections 5-8 being Purpose, Matters of National Importance, Other Matters, and Treaty of Waitangi respectively), Section 104 (Consideration of applications) and 108 (Conditions of resource consents), and the relevant provisions of local and national planning documents (for example, resource management plans and the New Zealand Coastal Policy Statement).

The Committee must also consider any case law (previous Planning Tribunal or Environment Court decisions) that relates to an application.

The number of submissions for or against an application does not necessarily influence its outcome.

Parties to an application will be notified of the decision on the application, irrespective of whether they supported or opposed it, or whether they attended the hearing. Decisions are generally issued within 15 working days after the close of the hearing, but the Resource Management Act 1991 allows for that period to be extended.

APPEALS

If, as either an applicant or a submitter, you are dissatisfied with the Committee's/Commissioner's decision on an application, you may be able to appeal the decision to the Environment Court.

Appeals take some time. If you are considering an appeal and want to find out how long it might take to be heard, please contact:

Christchurch Registry
PO Box 2069
DX:WX11113
Christchurch 8140

Ph: (03) 345 5397

Appeals focus on statutory or legal aspects associated with an application or the Committee's/Commissioner's decision. It is therefore recommended that you seek legal advice if you intend to appeal the decision.

For further information,
please contact:
Marlborough District Council
PO Box 443
Blenheim 7240
Ph: (03) 520 7400
Fax: (03) 520 7496

Email

mdc@marlborough.govt.nz

Website

www.marlborough.govt.nz

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Guidelines for Attendance at

RESOURCE CONSENT HEARINGS

