

PROCEDURES FOR HEARINGS

APPLICATIONS FOR RESOURCE CONSENTS

1. Sections 39-42 of the Resource Management Act 1991 specify powers and duties in relation to hearings. The meeting must be held in public unless permitted to do otherwise to protect sensitive information (see Section 42).
2. Specific matters required by the Act are:
 - (1) The procedure must be fair and appropriate in the circumstances.
 - (2) Avoid unnecessary formality.
 - (3) Recognise tikanga Maori where appropriate and receive evidence, written or spoken, in Maori.
 - (4) Only the Chairperson or other members of the hearing body may question any party or witness.
 - (5) Cross-examination is not permitted.
3. Subject to these procedures, the conduct of the hearing will be as directed by the Chairperson.
4. At any time during the hearing, the Hearing Committee may call on the technical or other services of staff of the local authority and may use the administrative services of the authority thereafter.
5. The Hearing Committee may require the attendance of any person to assist the Hearing Committee.
6. Applicants, and persons who made a submission and wish to be heard, may be represented by counsel or other representative and may call on witnesses to give evidence in support of their case.
7. For each hearing, the applicants and submitters should submit, for the use of the Hearing Committee and the council, ten copies of their evidence. Such documentation should be forwarded to the council no later than four working days before the date set down for the hearing.
8. The report and any recommendations of council staff will be pre-circulated to the parties prior to the hearing, to be received at least five working days before the hearing.
9. The applicants and submitters are requested to also pre-circulate their evidence to the other parties at the time it is submitted to the council. Subject to the direction of the Chairperson, pre-circulated material need not be read verbatim at the hearing.

10. Applicants, submitters and witnesses will not be required to give their evidence on oath.
11. The Maori Language Act 1987 provides that parties or witnesses in such hearing may elect to speak Maori. If any party wishes to speak Maori or have any witness speak Maori in the proceedings, they are requested to inform the council so that arrangements can be made for the attendance of certified interpreters at the hearing.
12. The Chairperson or other members of the Hearing Committee may ask a question of any party of the hearing.
13. The Hearing Committee may recall witnesses if it wishes to do so.
14. The general sequence of procedures will be as follows:
 - (1) Formal declaration by the Chairperson that the hearing is in session.
 - (2) Record of appearances. Parties are requested to identify themselves, and any counsel and witnesses.
 - (3) The applicant or their representative will be asked to present their case. Witnesses may be called.
 - (4) Persons who made submissions and wish to be heard will be asked to present their respective submissions and to tender the evidence of witnesses they desire to call.
 - (5) Consent authority staff will present to the Hearing Committee any background information, technical evidence and any recommendations relevant to the applications or submissions which they consider would assist the Hearing Committee in its deliberations.
 - (6) The Hearing Committee may itself call witnesses or seek such information as it considers necessary.
 - (7) The applicant has the right to reply to any points advanced during the hearing.
15. The Hearing Committee will then normally exclude the public while it makes its deliberations. The Committee's decision will generally be notified to the applicant and submitters within 15 working days of the end of the hearing. The relevant Committee members or Chairpersons are to sign the report before it is publicly notified.