

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

An application made to **Nelson City Council**

(Consent Authority)

BY

NELSON REGIONAL SEWERAGE BUSINESS UNIT

(the Applicant)

For the hearing of **RM165114** for a resource consent to discharge untreated sewerage into the Waimea Estuary.

MEMORANDUM 1 TO PARTICIPANTS

Directions

12 June 2017

PURPOSE OF THIS MEMORANDUM

- 1 The Nelson City Council has appointed a hearing committee comprising independent Commissioners Dr Shane Kelly, Mr Reginald Proffit, and Dr Brent Cowie (Chair) to hear and decide this application. It has delegated to the Committee the necessary functions, powers and duties of the NCC (acting as a regional authority) under section 34A of the Resource Management Act 1991 (the RMA). The purpose of this memorandum is to provide directions to the participants in relation to hearing and other preliminary matters.
- 2 The applicant is the Nelson Regional Sewerage Business Unit. The applications were publicly notified with submissions closing on 7 November 2016. A total of 35 submissions were received, of whom 11 wished to be heard.

PRELIMINARY MATTER

3 The applicant has sought additional time to carry out further investigations that will enable the environmental effects of the proposal to be better assessed. The Commissioners have, somewhat reluctantly, agreed to defer the hearing until the week starting **11 December 2017**.

4 The applicant has stated that this further information will be provided by about the end of September 2017. This will allow time for discussions between representatives of the applicant and the independent s42A reporting consultants. It will give the reporting officers sufficient time to consider this additional information before their s42A reports need to be pre-circulated.

5 This additional information, and any other matters relating to this hearing can be found on the following link on the NCC website <http://nelson.govt.nz/building-and-property/resource-consents-2/publicly-notified-resource-consents-2>

HEARING TIMETABLE

6 The hearing of application is scheduled for four days commencing **9.00am** on **Tuesday, 12 December 2017** at the Trafalgar Pavilion, Hathaway Court, Nelson.

7 The Commissioners will undertake a site visit on Monday 11 December. We will ask to be accompanied by a representative of the applicant with no role in the hearing process.

8 The formal closing of the hearing will not occur until after the Applicant's right of reply and/or further information or evidence requested by the Commissioners at the hearing is provided by the party from whom it has been requested.

9 The hearing will commence at 9am on each day and will usually conclude at about 5pm. All participants will receive advance notice of any changes. On all days there will be a lunch break between approximately 12:30pm and 1:30pm and morning and afternoon breaks of 15 minutes. Tea and coffee will be provided during breaks.

10 The remainder of this memorandum gives directions to enable the pre-circulation of all expert evidence prior to the hearing, and outlines the hearing procedure.

INFORMATION TIMETABLE

11 The Commissioners have decided the following timetable to ensure all relevant technical evidence is circulated to all parties prior to the hearing.

Due Date	Action	Explanation
Monday 7 November 2016	Submissions Closed	

Monday 20 November 2017	Council s42A report, and any supporting reports, completed and forwarded to all parties.	This report will enable the applicant and submitters to assess and comment on the council reports when preparing their submissions for the hearing
Monday 27 November 2017	All expert evidence from the applicant is to be filed with Nelson City Council	This will enable the applicant's expert evidence to be read and assimilated by all parties to the hearing.
Monday 4 December 2017	Any expert evidence to be called on behalf of submitters is to be filed with Nelson Council	This will enable any expert evidence called by submitters to be read and assimilated by all parties to the hearing
Tuesday 12 December	The hearing commences at 9.00am	The Commissioners will have undertaken a site visit on Monday 11 December.
Wednesday 13 – Friday 15 December 2017	The hearing will continue and be adjourned at the completion of the presentation of evidence, or at the end of the final day.	Unless otherwise stated the hearing will commence at 9am on these days.

DIRECTIONS

- 12 The following directions are to achieve the timetable outlined above.
13. All hearing evidence requiring pre-circulation is to be supplied to Tammy Ward at Nelson City Council by 4pm on the dates specified. She will then arrange for this material to be circulated to all the parties involved in the hearing. Her email address is tammy.ward@ncc.govt.nz or she can be contacted on 03 546 0205.

Regulatory Authority's Evidence

- 14 Pursuant to section 42 A (3) of the Resource Management Act, any report prepared by or on behalf of Nelson City Council must be supplied to Tammy Ward, Nelson City Council by 4pm on **Monday 20 November 2017**.

Applicant's Expert Evidence

- 15 Pursuant to section 41B of the Resource Management Act 1991 (the RMA), any expert evidence to be called by the applicant must be supplied to Tammy Ward, Nelson City Council by 4pm on **Monday 27 November 2017**.

16 **Submitters' Expert Evidence**

17 Pursuant to section 41B of the RMA, any submitter who intends to call expert evidence must supply to Tammy Ward, Nelson City Council by 4pm on **Monday 4 December 2017** a copy of any statement of expert evidence the submitter intends to present to the hearing.

18 The above direction to submitters relates only to any expert evidence they intend to call. The term "expert" means a person recognised as expert in his or her field by reason of relevant qualifications and/or experience. It does not apply to statements by lay witnesses and submitters themselves. We welcome evidence presented by lay witnesses either orally or (preferably) in writing at the hearing.

SUPPLY OF DOCUMENTS

19 The applicant and submitters should supply copies of their evidence in electronic pdf format (or, alternatively, one printed copy) to Tammy Ward by the deadlines stipulated above.

20 Nelson City Council will circulate copies of all evidence by e-mail (hard copy on request only). Copies of all material received will also be uploaded onto the Council website: <http://nelson.govt.nz/building-and-property/resource-consents-2/publicly-notified-resource-consents-2>

21 Any questions about this memorandum or the directions given should be directed to Tammy Ward. She will confer with the Commissioners as necessary.

HEARING PROCEDURE

22 The hearing will commence with the applicant's case. We will next hear from submitters to the application, and then from the reporting officers (whose reports will be taken as read) before the applicant's right of reply.

23 The reporting officers are encouraged to give written updates of the matters that have arisen during the hearing when they give their presentations.

24 Submitters who wish to be heard are asked to liaise with Ms Ward as to when may be an appropriate time for them to present their submissions and/or evidence.

- 25 Pre-circulated expert evidence will be taken as read. We would however ask experts to prepare a short presentation summarising their evidence (such as via Power Point). This presentation should not take more than 20 minutes.
- 26 All legal submissions and planning reports by the applicant and submitters, and lay evidence, can be read in full at the hearing.

A handwritten signature in cursive script that reads "Brent Cowie".

Signed by Brent Cowie (Chair)
on behalf of the Hearing Panel

Date: 12 June 2017