

Plan Change 1 (Awatarariki Fanhead, Matatā) to the Whakatāne District Plan

Plan Change 17 (Awatarariki Fanhead) to the Bay of Plenty Regional Natural Resources Plan

Hearing Procedures

Sections 39 to 42A of the Resource Management Act 1991 (RMA) set out the requirements for hearings. Unless directed differently by the Chairperson under clause 2.14 of these procedures, all attendees at a plan change hearing are required to respect and abide by the following:

1 Prior to the hearing

- 1.1 Fourteen (14) copies of any written evidence in support of a submission or further submission are to be made available to the Hearing Committee prior to the submitter/further submitter's presentation.
- 1.2 The speaking of the Māori language or the presentation of evidence in the Māori language is a right given under the Māori Language Act 1987. Minute 1 requested that any person wishing to present a submission or give evidence to the Hearing Committee in Māori was to advise the Hearings Administrator of that desire before Friday 31 January 2020. No such advice has been received..
- 1.3 The Committee is sitting in a "quasi-judicial" capacity and hears and decides on the original written submissions and further submissions and the evidence presented during the hearing. The requirements of sections 39 to 42A of the RMA should be noted.
- 1.4 Submitters¹ are advised that the Hearings Committee will have read their submission prior to the hearing. Submitters may verbally highlight key submission points in support of their submissions. Minute 1 required any expert evidence to be provided to the Hearing Administrator by 29 January 2020. Minute 1 also requested any non-expert evidence to be provided to the Hearing Administrator by 29 January 2020. No such evidence was received. Nevertheless, submitters may table and read aloud non-expert statements written in support of their submissions at the hearing. However, submitters are not to simply read their original submissions to the hearing. They may just wish to receive questions on their submission.

2 During the hearing

- 2.1 The Chairperson opens the hearing and introduces the Hearing Committee members and staff.
- 2.2 The Chairperson welcomes those attending and outlines any specific matters of protocol, especially for submitters who are likely to be unfamiliar with hearings procedures; the Hearing Committee will avoid unnecessary formality and recognise tikanga Māori where

¹ This includes those making further submissions

appropriate, i.e. Māori greeting protocols like mihi mihi or karakia. The Chairperson reminds submitters that Hearing Committee members have read the submissions and invites submitters to highlight key submission points.

- 2.3 The Hearings Administrator will record attendances. All submitters or their representatives should clearly identify themselves to the Hearings Administrator, including who they represent and the experts/witnesses they intend calling.
- 2.4 Each submitter in turn will speak on their submission and call their witnesses as required. Material presented at the hearing must relate strictly to the original written submission and no person addressing the hearing may raise any matter that is outside the scope of their original written submission or further submission.
- 2.5 At any time during the hearing the Chairperson may rule on the acceptability of additional and/or new material, relative to the original written submission.
- 2.6 Committee members may ask questions of clarification of the submitter and/or their experts/witnesses to seek clarification. **Cross examination is not permitted.**
- 2.7 Further submitters (if present) are invited to make their presentation on their further submission. Steps 2.4 – 2.6 are repeated for further submitter presentations.
- 2.8 The Committee reserves the right to exclude the public where necessary to protect the interests of any party as defined by New Zealand Standard 9202:2003 Model Standing Orders or under section 42 of the RMA relating to the protection of sensitive information.
- 2.9 At the conclusion of the hearing, the Chairperson adjourns the hearing.
- 2.10 The Hearing Committee deliberates on all original written submissions, original written further submissions and the evidence presented at the hearing, with the public excluded.
- 2.11 The Hearing Committee has the right to reopen the hearing and to receive further evidence prior to any decision being made subject to those parties present at the original hearing being notified of the further hearing date.
- 2.12 The Hearing Committee may request further information from any submitter or further submitter to clarify a matter during deliberation. Copies of any such information received will be circulated to relevant submitters or further submitters by the Hearings Administrator.
- 2.13 In due course the Hearing Committee will issue its recommendations under Schedule 1 to the RMA.
- 2.14 The Chairperson may permit or direct departure from the above matters of procedure if satisfied that the principles of natural justice will be better served.
- 2.15 Mobile phones must be switched off in the meeting room.