

WELLINGTON REGIONAL COUNCIL


PROPOSED PLAN CHANGE 1 TO THE NATURAL RESOURCES PLAN FOR THE WELLINGTON REGION

FIRST MINUTE AND DIRECTIONS OF HEARINGS PANELS

Tēnā koutou katoa

1. This Minute sets out directions on key procedural matters for the hearing of submissions and further submissions on Proposed Plan Change 1 (PC1) to the Natural Resources Plan for the Wellington Region.
2. The Minute has been issued jointly by the Hearings Panels appointed to hear submissions and make recommendations on PC1.
3. Additional Minutes and Directions may be issued before, during and after each Hearing Stream.

Background

4. PC1 was publicly notified on 30 October 2023 by Wellington Regional Council. Submissions closed on 15 December 2023 and further submissions closed on 8 March 2024 (although with two extensions for further submissions due to corrections notified to the Summary of Decisions Requested).
5. Part of PC1 has been notified as a freshwater planning instrument (FPI) and therefore subject to the freshwater planning process under s 80A and Part 4 of Schedule 1 of the Resource Management Act 1991 (RMA). These provisions are identified with a freshwater symbol FW. The provisions in PC1 (including all Regional Coastal Plan provisions) that are not part of the FPI will proceed through the standard Part 1 Schedule 1 (P1S1) process in the RMA for changing a regional plan.
6. Two Hearing Panels with overlapping membership have been appointed to hear submissions and make recommendations on PC1 to Wellington Regional Council. The Freshwater Hearings Panel has been convened by the Chief Freshwater Commissioner in accordance with the provisions in the RMA.
7. The Hearing Panels comprise of the following members:

Dhilum Nightingale (Chair and Freshwater Commissioner)
Sharon McGarry (Deputy Chair, Council nominee)
Gillian Wratt (Freshwater Commissioner)
Sarah Stevenson (Panel member, Council nominee)
Puāwai Kake (Panel member, Tangata whenua nominee).¹

¹ Puāwai Kake's appointment to the P1S1 Panel is pending approval by Council.

Notice of hearing

8. Hearings on submissions are scheduled to begin on 4 November 2024 in the Wellington Regional Council Chambers and also at Naumi Event Centre. Further information on hearing venues will be available shortly on the Hearings webpage. Hearings will take place across five Hearing Streams and continue until August 2025.
9. Josh Ruddock, the PC1 Hearings Advisor, will be in contact with each submitter who has stated they wish to be heard at the hearings to confirm their attendance and discuss any preferences around speaking sequence and time.
10. All information about hearings will be available on the Council's Hearings webpage: <https://www.gw.govt.nz/your-region/plans-policies-and-bylaws/updating-our-regional-policy-statement-and-natural-resources-plan/natural-resources-plan-2023-changes/nrp-pc-1-hearings/>
11. Submitters who wish to be heard are advised to view the information on this webpage.
12. Hearings will take place in person with full provision for on-line access, allowing members of the public to view, and submitters to view and participate in, the hearings remotely.

Hearings process and key dates

13. Every Hearing Stream contains a combination of both freshwater and 'non-freshwater' provisions, therefore the Freshwater Hearing Panel and the P1S1 Panel will sit jointly in all hearing streams.
14. Further to sections 41B and 41C of the RMA (for the P1S1 Hearing Panel) and clause 48 of Schedule 1, Part 4 of the RMA (for the Freshwater Hearing Panel) and in order to ensure an efficient, appropriate and fair hearings process, the Panels make the following directions regarding pre-lodgement of evidence and presentations at hearings:
 - a. The Notice of Hearing for a Hearing Stream will be available on the Hearings webpage at least 20 working days prior to each Hearing Stream commencing. For example, for hearings commencing at 9.30am on a Monday morning, the Notice of Hearing will be on the Council's website by 9.30am Monday, 4 weeks prior.
 - b. The **section 42A report/s** for each Hearing Stream will be available at least 20 working days prior to hearings for that Stream commencing.
 - c. **The Regional Council's evidence and legal submissions** must be lodged and available on the Hearings webpage at least 20 working days prior to hearings for that Stream commencing.
 - d. All **submitter and further submitter evidence, including expert evidence and any legal submissions**, must be lodged at least 10 working days prior to hearings for that Stream commencing.

- e. **Submitters** must advise the Hearings Advisor at least 10 working days prior to hearings for that Stream commencing if they wish to **talk to their submission at the hearing**. A submitter may present their submission jointly with another submitter if they wish and should inform the Hearings Advisor accordingly.
- f. Council's rebuttal evidence (if any) must be lodged at least 5 working days prior to hearings for that Stream commencing.
- g. At least 5 working days prior to each Hearing Stream commencing, the Hearings Advisor will issue a **hearing schedule** setting out presentation times for submitters. Wherever possible, the schedule will accommodate submitters' preferred presentation times, as discussed with the Hearings Advisor.
- h. Submitters are encouraged to email the Hearings Advisor with any **presentation slides** (PowerPoint etc) and any **talking points or submission summaries** at least two working days prior to their allocated presentation time. These will be uploaded to the Hearings webpage. Please note that submitters, experts or counsel are not able to provide USB sticks or similar on the day of the Hearing for computer security reasons.
- i. Parties may lodge **joint legal submissions** (at least 10 working days prior to hearings for that Stream commencing) **and present jointly** at hearings if they wish.
- j. After opening formalities, each Hearing Stream will commence with an **oral presentation by the section 42A** report writer/s followed by counsel for the Regional Council presenting their legal submissions. The reports and submissions will have been pre-read by the Panel/s and so it is sufficient for the s 42A report writers and counsel to provide an overview or summary of key points at the Hearing. Each presentation should take no longer than 10 minutes. If additional time is required, the Hearings Manager should be advised in writing.
- k. Each submitter will then **present their submission/further submission** within a 10-minute time limit and according to the timetable set out in the Hearing Schedule. Where any changes are required to the Hearings Schedule, these will be accommodated as best as possible by the Hearings Manager. Any expert witnesses called by the submitter may present for all or part of the 10- minute presentation time limit. Submitters may ask the Hearings Manager for additional time to present. The Hearings Manager will accommodate these requests where it is possible to do so within the timeframe allocated for each Hearing Stream.
- l. Submitters may present **in person or on-line**.
- m. After hearing submissions and/or evidence, **Panel members may ask questions** of the submitters and/or experts.
- n. In respect of Freshwater Planning Instrument provisions, **the Freshwater Hearing Panel may permit cross-examination** by any submitter/further submitter in accordance with

clause 48 of Schedule 1 RMA, Part 4. Cross-examination can only be undertaken by leave of the Freshwater Hearing Panel. Applications for leave must be made in writing to the Panel through the Hearings Managers and be lodged at least 15 working days prior to the relevant Hearing Stream commencing. The application must specify the topic or issue for which leave is sought to cross-examine and the time sought to be allocated for cross-examination.

- o. Cross-examination is not permitted in respect of non-freshwater provisions.
 - p. Once all submitters have presented, the relevant **section 42A report writer** will be asked to briefly make any **points of clarification** they wish to make, in light of hearing submissions and evidence.
 - q. The **Council's right of reply (section 42A report writers' reply, evidence or legal submissions** (if any)) must be filed within 10 working days after the last submitter in the Hearing Stream has presented their submission or in accordance with any alternative timeframe stated in a minute issued by the Panels. The right of reply should be limited to responding to new information raised by submitters in their presentations, or in response to Panel questions.
 - r. If parties wish to present **evidence or submissions in Te Reo Māori**, or if they require **sign language services**, they must advise the Hearing Advisor at least 15 working days prior to the relevant Hearing Stream commencing so that appropriate translation services can be arranged. Notification is not required if Te Reo is solely for the opening or closing of the presentation.
 - s. Greater Wellington intends to **livestream** all hearings. This will be confirmed prior to Hearing Stream 1 commencing.
 - t. Council staff may arrange **site visits** for the Panels if considered necessary by the Panel/s.
15. The above standard timetabling directions may be modified by the Panels through minutes issued to all parties and published on the Hearings webpage.

Hearing Panels' powers

- 16. Both Hearings Panels have a range of powers provided to them under the RMA which they may elect to use to achieve an efficient, appropriate and fair hearing, mindful of their duties under sections 18A and 21 to ensure hearings progress in a reasonable, efficient and timely way.
- 17. The Freshwater Hearing Panel has specific powers in Part 4 of Schedule 1, including in relation to directing a conference of experts (clause 43), referring matters to alternative dispute resolution (clause 44), commissioning reports (clause 45) and appointing a special advisor and a friend of submitter (clause 46). The Panel will issue Minutes advising of any decisions it makes to exercise any of these specific powers.

Service on Council

18. Any evidence or information required by this Minute, and any memorandum or application to the Freshwater Hearings Panel and/or P1S1 Panel should be lodged by email to regionalplan@gw.govt.nz.



D Nightingale
Chair
Part 1, Schedule 1 Panel
Freshwater Hearings Panel