



Pre-hearing and hearing meetings

Quality for Life





Pre-hearing meetings

What is a pre-hearing meeting?

'Pre-hearing meetings' are held when we receive submissions on a notified resource consent application and we and the applicant believe a meeting could help resolve areas of concern or narrow down the issues that will be considered at the formal hearing.



Pre-hearing meetings are informal and involve the applicant, the submitter(s) and Greater Wellington staff.

Why agree to a pre-hearing meeting?

Pre-hearing meetings are a good idea because they can:



- provide parties with an opportunity to discuss issues and concerns (which can't happen at the hearing)
- help submitters to better understand the application and its environmental effects
- identify more information that might be needed
- help people to understand the resource management process, including how we make our decisions on applications
- encourage the applicant and submitters to explore the potential for agreement. For example, the applicant may change parts of their proposal or agree to certain conditions on their consent (if it is granted)
- result in the parties agreeing to use the hearing to focus on particular issues that can't be resolved through negotiation. This can save a lot of time at the hearing.



Who can go?

The applicant and every submitter are invited to the pre-hearing meeting. They can also take a lawyer or a technical or planning expert, but we generally recommend keeping the meeting as informal as possible.

Where and when?

A pre-hearing meeting is normally held soon after the closing date for submissions. This is because the timeframes are tight – a hearing must be held within 25 working days after submissions close.

Where possible, we host the meeting in the evening and at a place close to the area affected by the resource consent application (such as a community hall). We may also arrange a site visit to help submitters better understand the consent application.

What happens?

A Greater Wellington staff member generally facilitates the meeting. They will be familiar with the application and the submissions and will have identified the issues. Note the facilitator is neutral and is not involved in deciding on the consent application.

The facilitator suggests an agenda and some goals for the group to talk about and agree on. They also set some ground rules so that everyone can have their say.

The Greater Wellington person who is processing the application will take minutes of the meeting and may suggest consent conditions to address submitters' concerns. However, no one has to agree with any conditions suggested. Everyone is entitled to think things over and get independent advice before making any decisions.

After the meeting, all participants get a copy of the meeting minutes.





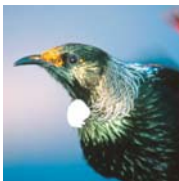
What happens if you reach agreement?

If the submission issues are resolved at the pre-hearing meeting, a formal hearing may not be needed.

If agreement looks possible, the applicant and submitters are asked if they want to negotiate consent conditions – that is, reach a ‘negotiated outcome’. Note any conditions they agree to must be approved by Greater Wellington before they become part of the consent (if it is granted).



If the parties reach a negotiated outcome, Greater Wellington asks the submitter(s) to withdraw their right to be heard at a hearing (not withdraw their submission), and to sign a waiver form with the agreed consent conditions. Submitters then lose the right to speak at the hearing but keep the right to appeal Greater Wellington’s decision on the consent application to the Environment Court. The submission still stands and is considered when Greater Wellington decides on the consent application.



What happens if you can’t work things out?

If the parties at the pre-hearing meeting can’t resolve the issues in the submission(s), a hearing is held to decide formally on the consent application.

The hearing committee takes into account the discussions and result of the pre-hearing meeting when it considers the resource consent application. However, the parties may agree to use the hearing to focus on particular issues that can’t be resolved through negotiation.



Hearings

What is a hearing?

A hearing is the formal meeting where a 'hearing committee' considers and decides on resource consent applications. It takes place if one or more of the submitters (or the applicant) asks to be heard, or if Greater Wellington thinks it is necessary.



Who can go?

All Greater Wellington hearings are open to the public, including the media. However, the only people who can speak are the applicant, submitters who have reserved the right to be heard, Greater Wellington staff, and the hearing committee. Participants can nominate people to speak on their behalf.

Who's on the hearing committee?

A hearing committee is usually made up of two Greater Wellington councillors or independent commissioners, and a maori appointee. Joint hearings are usually held if resource consents are required from both Greater Wellington and a district or city council.

Where and when?

Hearings are usually held at Greater Wellington offices. They must take place within 25 working days after submissions close, unless the time limit has been extended.

Greater Wellington gives all participants at least 10 working days' notice of the date, time and place for the hearing. This information is also advertised in the Dominion Post or the Wairarapa Times Age and online at www.gw.govt.nz.

What information goes out before the hearing?

We send the following information to applicants and submitters (who wish to be heard) at least five working days before the hearing:

- The Greater Wellington staff member's report, which recommends whether the application should be granted or declined and suggests conditions that could be attached to the consent.
- Any additional information the applicant has supplied.
- Any reports commissioned by Greater Wellington on the application.



Information to supply: how we can help

If you want to present any written material at the hearing, you need to send copies to all involved parties (applicant, hearing committee, Greater Wellington staff) before the hearing. If you can't do this, bring at least five copies to the hearing.



If you want to give written or spoken evidence in Maori, please let us know at least five working days before the hearing so we can arrange an interpreter.

We may also be able to help with special equipment for presentations, such as an overhead projector. Please let us know if you have any special requirements.



How long will the hearing last?

This depends on the complexity of the application and how many submitters want to speak.



Our staff estimate the number of days required when they arrange the hearing. However, they can't give people specific times to present their evidence because it's difficult to predict how long presentations will take. If you have other commitments, they will do their best to arrange a convenient speaking time for you.

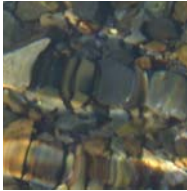
What happens?

The hearing committee considers the information the applicant has provided about their proposal, every submission and Greater Wellington's report on the application.

The meeting order

1. The hearing committee chairperson opens the meeting, welcomes everyone and outlines the procedures for the day.
2. Usually the applicant presents their evidence first. They outline their proposal and address the Greater Wellington report, submissions, and any modifications to their proposal or resolutions made at a pre-hearing meeting.
3. Greater Wellington staff table their report and may comment on evidence the applicant has presented.
4. Each submitter has the opportunity to outline their concerns and respond to the applicant's comments. They can only talk about issues in their submission, although they can expand on issues previously raised.
5. The applicant speaks last (the 'right of reply'), and can respond to comments from the submitters and Greater Wellington staff.
6. The committee sometimes decides to adjourn the hearing to allow time for get more information, for more consultation, or for a site visit.
7. The chairperson closes the hearing's public session and the committee retires to decide on the application.

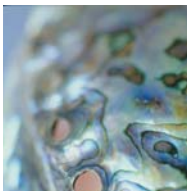




Hearing behaviour

To keep hearings fair and orderly:

- the applicant and every submitter who has said they wish to be heard may speak and call expert evidence, either in person or through a representative or advocate (e.g. a consultant or lawyer)
- the chairperson or any other member of the hearing committee can question any of the hearing participants at any time
- hearing participants can't cross-examine each other. The chairperson can allow people to seek clarification on particular points by asking questions through the chairperson
- the chairperson can limit the number of people who speak (this minimises repetition if several people want to speak on the same issue)
- the applicant's right of reply must be limited to matters relating to the evidence or any legal points that need clarification. No new issues can be introduced at this stage.



What happens after the hearing?

The hearing committee can take just a few hours, or a few days, to make its decision, depending on the application. Once it has, the decision is sent in writing to the applicant and submitters no more than 15 working days after the hearing closed.

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FOR MORE INFORMATION

Greater Wellington has a range of other brochures designed to help people with resource consents and the consent application process. Copies are available online at www.gw.govt.nz or at a Greater Wellington office.

Topics include:

- Applying for a resource consent
- Making a submission on a resource consent application
- Resource consent timeframes
- Consulting iwi
- Resource consent information
- Objections and appeals