

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of **Private Plan Change 28** – CCKV Maitai Dev Co LP& Bayview Nelson Limited) - 7 Ralphine Way, Maitai Valley and Bayview Road to the Nelson Resource Management Plan.

DIRECTION (1) FROM THE HEARING PANEL

HEARING DATES AND EVIDENCE EXCHANGE

1. Pursuant to sections 34 and 34A of the RMA, Nelson City Council (the Council) has appointed a Hearing Panel consisting of independent hearing commissioners - Greg Hill (Chairperson), Sheena Tepania, Gillian Wratt and Nigel Mark-Brown. The Hearing Panel's function is to hear the application and submissions and make a recommendation to the Council on those submissions and the Plan Change. Our delegations also include addressing any procedural issues.
2. In summary, Plan Change 28 seeks to:
 - To rezone approximately 287-hectares of land located within Kaka Valley, along Botanical Hill and Malvern Hill, from:
 - Rural; and
 - Rural-Higher Density Small Holdings Area,
 - to
 - Residential (Higher, Standard and Lower Density Areas);
 - Rural-Higher Density Small Holdings Area;
 - Open Space Recreation;
 - Suburban Commercial; and
 - A number of integrated changes to associated provisions of Volumes I, II and III of the Nelson Resource Management Plan.
3. This Direction sets out the expert evidence exchange dates (and a request for the filing of opening legal submissions and non-expert evidence). Another Direction has been prepared directing expert conferencing. The two Directions should be read together.
4. The hearing is scheduled for **Wednesday – Friday, 13 – 15 July 2022 and Monday to Friday, 18 – 22 July 2022.** The hearing format (in-person or virtual) will be decided closer to the hearing commencement date subject to the Council's covid protocols. However, at this stage it is intended that the hearing will be in-person, with the ability for parties to present virtually if requested or required. Once the decision is made on the hearing format, this will be communicated to all parties

5. In terms of procedural matters, section 41B of the RMA provides that the Council may direct that evidence from any expert be provided before the hearing. Section 42A of the RMA provides that the Council may prepare a report on the matters to be considered and be provided prior to the hearing. The Hearing Panel is aware that a section 42A report is being prepared by the Council.
6. Accordingly, the Hearing Panel directs as follows:
 - (a) Pursuant to section 42A of the RMA, the section 42A hearing report is to be made available to the parties and on the Council's website no later than **5.00 pm, Friday 3 June 2022.**
 - (b) Pursuant to sections 41B(1) and (2) of the RMA, the Applicant's expert evidence (evidence given by a professional with specialist qualifications and experience) is to be provided to the Council's Senior Administrator no later than **midday, Wednesday 15 June 2022** and will be made available to the parties and on the Council's website no later than **5.00 pm, Wednesday 15 June 2022.**
 - (c) Pursuant to sections 41B(3) and (4) of the RMA, any submitter who intends to call expert evidence at the hearing (evidence given by a professional with specialist qualifications and experience) is to provide that evidence to the Council's Senior Administrator no later than **midday, Monday 27 June 2022** and will be made available to the parties and on the Council's website no later than **5.00 pm, Monday 27 June 2022.**
 - (d) Pursuant to sections 41B(1) and (2) of the RMA, any rebuttal evidence to be provided by the Applicant is to be provided to the Council's Senior Administrator no later than **midday, Tuesday 5 July 2022** and will be made available to the parties and on the Council's website no later than **5.00 pm, Tuesday 5 July 2022.**
7. While these Directions do not apply to lay or non-expert statements/evidence, the Hearing Panel would appreciate any written statements to be presented at the hearing by submitters to be provided to the Council's Senior Administrator no later than **midday, Thursday 7 July 2022** and will be made available to the parties and on the Council's website no later than **5.00 pm, Thursday 7 July 2022.**
8. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than **midday, Friday 8 July 2022.** The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
9. The purpose of these Directions is to provide the opportunity for the Hearing Panel and the other parties to have read and considered any legal submissions, evidence or statements in advance of the hearing to assist in understanding the case being presented. As the Hearing Panel will have read all the pre-circulated material before the hearing, there will be no need for it to be read out. An executive summary may be read out or the key points highlighted.
10. Any enquiries regarding these Directions or related matters should be directed to the Council's Senior Administrator, Ms Rebecca Dowling at environmental.planning@ncc.govt.nz

A handwritten signature in black ink, appearing to read "Greg Hill", followed by a period.

Greg Hill Chairperson

10 March 2022