

Oasis 13905488

22 October 2019

Dear Submitter

HEARING OF RESOURCE CONSENT APPLICATION FOR 126 TURITEA ROAD, PALMERSTON NORTH

Pursuant to Clause 8B of the First Schedule of the Resource Management Act 1991, notice is hereby given that Commissioners will be hearing submissions on the Resource Consent Application lodged by Guardian Tree Services Limited for the operation of a non-rural activity in a Rural zone at 126 Turitea Road, together with a subdivision consent for a two lot subdivision of that land.

The hearing to consider the applications and submissions will commence at **9.30am on Thursday 28 November 2019** in the **Council Chamber, Civic Administration Building, The Square, Palmerston North**. An agenda for the hearing will be circulated in due course to those who wish to be heard.

Submitters

* Those submitters identified with an asterisk have indicated a wish to be heard.

Submitter Number	Submitter
SO-1*	Sarah & Ollie Shannon
SO-2*	Dean & Paula Rankin
SO-3*	Kevin Orr & Siann Aburn

If you have indicated a wish to be heard please confirm to Carly Chang that is still your intent and also provide an estimate of time required to speak, to assist with scheduling.

Please note that we are generally unable to allocate specific speaking times to submitters. I will be in contact shortly to those who wish to be heard to determine approximate availability.

Further to the Minute of the Hearings Panel dated 16 October 2019, you are reminded that if you intend to present **expert evidence** at the hearing, you are to provide a written brief of that expert evidence to Carly Chang by **4.00pm on Thursday 21 November 2019**.

At least **15** copies of further written evidence should otherwise be tabled at the hearing. It should also be pointed out that submission of written evidence or expert evidence is not a statutory requirement and failure to produce such evidence does not in any way prejudice a party's right to be heard in support of his/her submissions.

Attached is an information sheet entitled "Information concerning procedure for a hearing of submissions on a Resource Consent Application".

In the meantime if you have any queries please contact me on telephone (06) 356 8199 extension 7152 or email carly.chang@pncc.govt.nz.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Carly Chang', with a stylized, cursive script.

Carly Chang
Democracy & Governance Administrator
Strategy and Planning

INFORMATION CONCERNING PROCEDURE FOR A HEARING OF SUBMISSIONS ON A RESOURCE CONSENT APPLICATION

This information is for the assistance of persons participating in the hearing of submissions on a resource consent application.

1. Engagement of Counsel

You can present your own case, but if you wish you can engage legal counsel or any other person to appear on your behalf.

2. Public Hearings

All hearings are public and the media and any member of the public is entitled to be present. The Hearings Committee or Commissioner has the power, however, to make an order to protect sensitive information. (*See paragraph 15 below*).

3. Hearings Committee or Commissioner Conducting the Hearing

The Council has delegated the conduct of the Hearing and the power to make a final decision to the Hearings Committee or a Commissioner. A Commissioner will conduct the Hearing if the Council has an interest in the application or the appointment of a Commissioner has been requested by the Applicant pursuant to section 100A of the Resource Management Act 1991.

4. Agenda

An agenda for the Hearing will be sent to you before the Hearing. The agenda lists the submissions generally in the order they will be considered by the Hearings Committee or Commissioner, although there may be some variation to this. You are welcome to be present for the hearing of all submissions if you wish. The agenda will also include pre-circulated evidence. (*See paragraph 7 below*).

5. Contents of Other Submissions

If you would like to read other submissions before the Hearing, you are welcome to do so. It is normal practice to include all submissions as an attachment to the agenda, however if the number of submissions is such that the attachment would be too large, they may be viewed in the Customer Service Centre of the Civic Administration Building, 32 The Square, Palmerston North.

6. Attendance of Parties

Unless you have previously sought and been granted an adjournment of the hearing, if you do not or are unable to attend the Hearing, the Hearings Committee or Commissioner may proceed and make decisions in your absence.

7. Preparation of Evidence

Important requirements for the preparation and circulation of reports and evidence are set out in the letter giving you notice of the hearing.

The applicant is required to provide briefs of their evidence to the Council by 4.00pm on 14 November 2019.

If you are a submitter and you intend to call **expert** evidence, you are required to provide briefs of that evidence to the Council by 4.00pm on 21 November 2019. Otherwise, you have the choice of either having your evidence pre-circulated before the Hearing, or presenting your evidence (written or oral) for the first time at the Hearing. If you decide to have your evidence pre-circulated, you will need to give it to the Council at least five working days before the Hearing.

For all reports and evidence that are pre-circulated before the Hearing, the Hearings Committee or Commissioner may decide that the evidence be taken as read or that you may elaborate on principal points. In this case, there would be no need for this evidence read in full. You will not be obliged to elaborate any further unless asked to.

However, if your evidence is written but is tabled for the first time at the Hearing, your evidence must be read in full by yourself or by your representative. You should also have 15 copies of your evidence available for distribution by the Democracy & Governance Administrator, to the Hearings Committee or Commissioner, other parties, the Planning Officers and the media.

It would assist the Hearings Committee or Commissioner if you prepare a written copy of your evidence. It is not necessary to produce copies of the original submission itself as the Hearings Committee or Commissioner will have been previously supplied with this.

The Planning Officer's evidence for the Council will be circulated to the parties with the agenda prior to the Hearing. Other evidence given to the Council before the hearing will be circulated to the parties when it becomes available.

8. Content of Evidence

Parties may elaborate on points they have already raised in their original or further submission.

Where it is considered that there is likely to be excessive repetition, the Chairperson of the Hearings Committee or Commissioner may limit the circumstances in which parties having the same interest may speak or present evidence.

9. Venue for the Hearing

The Hearing will be held at the Palmerston North City Council in the Council Chamber which is situated on the first floor of the Civic Administration Building, 32 The Square, Palmerston North (unless otherwise stated). Please note that access is via the automatic doors on The Square side of the roadway where our Customer Service Centre is situated. There are stairs and a lift to the first floor on the right as you enter the building.

10. Evidence

The Hearings Committee or Commissioner may require evidence given at the Hearing to be on Oath or Affirmation. Any pre-circulated evidence may also be required to be sworn whether it is read or taken as read.

If a witness is unable to attend the Hearing, the Hearings Committee or Commissioner has the discretion to accept evidence in the form of an affidavit. An affidavit must be in writing, sworn before a solicitor, Justice of the Peace or other authorised officer, and should also set out the reasons why the witness is unable to attend the Hearing in person.

11. Cross Examination

There is no right of cross-examination. This means that the parties do not have the right to address questions to other parties, or to the Hearings Committee or Commissioner. The Hearings Committee or Commissioner may, however, question any party concerning their submission or evidence.

12. Conduct of the Hearing

At the start of the Hearing the Chairperson of the Hearings Committee, or the Commissioner will introduce the Hearings Committee, if appropriate, and staff members present and will briefly outline the Hearing procedure.

The following order of appearance will usually apply:

- (i) Applicant and witnesses;
- (ii) Persons who made submissions;
- (iv) The Planning Officer for Palmerston North City Council;
- (v) The applicant, who has a right of reply.

13. Tikanga Maori

Tikanga Maori is recognised where appropriate and the Hearings Committee or Commissioner will receive evidence written or spoken in Maori.

If you wish to speak in Maori at the Hearing, please contact the Democracy & Governance Administrator within seven days of the date you receive the letter notifying you of the Hearing. This is to enable arrangements to be made for a certified interpreter to attend the Hearing, (*Section 4(5) Maori Language Act 1987*)

14. Visual Aids

If you wish to use a data projector, video, whiteboard, pin-up board or a similar aid, please contact the Democracy & Governance Administrator no later than two days before the Hearing so that arrangements can be made.

15. Sensitive Information

The Hearings Committee or Commissioner may make an order to protect sensitive information. The reasons for which such an order can be made, and the consequences, are detailed in Section 42 of the Resource Management Act 1991.

16. Adjournment of the Hearing

The Hearings Committee or Commissioner has the power to adjourn the Hearing.

17. Decision of the Hearing

After the Hearings Committee or Commissioner has heard the evidence and submissions, it will usually declare the Hearing closed and will leave the Council Chamber to consider its decision. All parties will be advised in writing of the decisions relating to their submission and the reasons for those decisions.

18. Additional Information

After the Hearings Committee or Commissioner has reserved its decision, further details of information from any party involved in the proceedings may be requested. If this happens, all parties will be circulated with copies of the additional information obtained and will be given the opportunity to comment before the Hearings Committee or Commissioner makes a final decision.

19. Appeals against Council Decision

Any person who has made a submission has a right of appeal to the Environment Court. Such appeal may be against the whole or any part of the decision. The time within which the right of appeal to the Environment Court must be exercised is within 15 working days of notice of the decision being received in accordance with the Resource Management Act 1991.

Because the appeal procedure is more involved than the initial Hearing, it is suggested that parties consult a solicitor if they wish to appeal.

20. Variation of Procedure

The Hearings Committee may, at its sole discretion, vary the procedures set out above if the circumstances indicate that some other procedure would be more appropriate.

21. General

You should not endeavour to contact members of the Hearings Committee or the Commissioner. However a staff member of the Council, on behalf of the Hearings Committee or Commissioner, may contact you to arrange an inspection of any property affected by the application. In this event, do not discuss the case with them.