



Guide to the Resource Consent Application Hearing Process

Why are hearings held?

Most resource consent applications are processed on a non-notified basis. That means our City Planning staff make the decision under delegated authority without participation from the general public.

However, when the negative effects on the environment might be more than minor or where approval cannot be obtained from those people we think might be adversely affected by the proposal, the application will either be publicly notified or limited notified. A hearing will usually be held where a committee decides whether or not resource consent should be granted.

What is a hearing?

A hearing is a public meeting where the applicant and people affected by the proposal are given an opportunity to state their case to a neutral committee.

The committee will make a decision after having considered all the relevant issues raised at the hearing. The committee's decision is legally binding and can be legally challenged by either the applicant or a submitter.

The committee has a duty to ensure that hearings are conducted fairly so that all parties are able to put forward their side of the case.

Who will be involved in the hearing?

The committee hearing the application may be made up of any number of people, and may include Councillors and/or independent commissioners.

In most cases, the Hearings Committee of the Council will consider the publicly notified or limited notified resource consent application. The Hearings Committee is made up of three of five Councillors who sit on hearings. Where the application involves a site within a Community Board area, a representative of that Board will normally be included on the panel for the hearing.

Independent commissioners will be used if the applicant or submitters have requested them, if there is a conflict for Councillors in hearing the application, or if specialist expertises are required.

The committee is supported by the following Council staff:

- » A senior member of the City Planning staff acting as an adviser to provide planning and procedural advice to the committee
- » The planner who assessed the application and prepared the recommending report, and
- » A governance support officer who will provide administrative support and take minutes of the proceedings.

In many cases, an applicant may decide to present their own evidence to the committee. However, for complex or contentious applications, it may be in the best interest of the applicant and/or submitters to involve a resource consent management professional such as a planner, surveyor or lawyer, and, if necessary, an expert in any specific relevant field.

Requesting independent hearings commissioners

An applicant or a submitter can request that a publicly notified or limited notified resource consent application be heard by one or more independent hearing commissioners, instead of by the Hearings Committee of the Council. The request must be made in writing and can be made up to five working days after the closing date of submissions. If the applicant requests an independent hearing commissioner, then the applicant must pay for the additional costs associated with the request, even if one or more submitters also make the same request. If one or more submitters request a commissioner, and the applicant does not, then the submitters must pay for the additional costs, with the costs being equally shared between the submitters requesting it.

When will the hearing happen?

Once an application is publicly notified or limited notified, submissions can be lodged for a period of 20 working days. If a hearing is required, it is generally held within 25 working days from the close of submissions. The applicant and submitters will be given at least 10 working days' notice of the date, time and location of the hearing.

The applicant and submitters can attend the hearing whether or not they wish to speak to the committee. If speaking, it pays to be well-prepared on the issues you wish to raise.

At least five working days before the hearing, the applicant and submitters will receive a copy of the planner's report to the committee. This report will include a recommendation on whether the planner believes the application should be granted or declined, and what conditions could be attached if the application is successful. Both the applicant and submitters can comment on the report at the hearing.



Further Information

This pamphlet is one of a series about the Resource Management Act 1991 and the Dunedin City Council's District Plan.

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