

HUTT CITY COUNCIL

**PROPOSED PRIVATE PLAN CHANGE 47: MAJOR GARDENS, KELSON –
REZONING TO GENERAL RESIDENTIAL ACTIVITY AREA AND GENERAL
RECREATION ACTIVITY AREA**

MINUTE 2 OF INDEPENDENT HEARING PANEL

Introduction

1. This is our second Minute and responds to actions that were set out in Minute 1 dated 10 April 2020. The objective of Minute 1 was to establish some procedures to facilitate a smooth and effective pre-hearing and hearing process for all parties and required some actions from all the parties in readiness for the formal proceedings.
2. This second Minute specifically:
 - (a) Addresses the actions that were required in relation to pre-hearing discussions/conferencing; and
 - (b) responds to questions raised pertaining to the hearing.

Pre-hearing discussions & conferencing

3. Minute 1 encouraged the participation of any party in pre-hearing liaison/meetings, discussions or expert conferencing prior to the commencement of the hearing. The idea surrounding this was to resolve any issues raised by submitters and that these liaisons be facilitated and concluded by 20 May 2020 where a report, prepared by the Requestor, would be provided to the Council hearing administrator of the 'state of play' at that point.
4. The Panel acknowledges that the report on the state of play has been received in line with Minute 1 and we acknowledge the considerable effort of parties to progress the outstanding issues.
5. The Panel also acknowledges the letter from the Requestor to the Council dated 21 April 2020. This letter helpfully included:
 - (a) a table that identifies the additional responses to the matters raised within the submissions.
 - (b) a tracked change version of the Subdivision Chapter of the Plan which includes further amendments post notification.
6. The state of play report (dated 20 May 2020) from the Requestor notes that with the exception of two parties, all other submitters have confirmed that they no longer wish to be heard at the hearing. The two outstanding parties, Mr Able and Forest and Bird have, as we understand, indicated that their respective issues can/are being resolved but some additional time is needed.
7. The Requestor's state of play report also sought clarification from the Council as to whether its advisors require any further information from the Requestor in relation to this plan change. In the interests of fairness to all parties, it would be

useful if the Council could confirm to the Requestor as soon as possible what information is outstanding and when it will be requested. The Panel has set out requirements around this and other matters below under 'Next Steps'.

Questions raised pertaining to the Hearing

8. Before any hearing date can be set the two matters above namely; confirmation of all submitters that they no longer wish to be heard at the hearing and any further information requests from the Council, are instrumental in determining the hearing date and the sequential programme leading up to that.
9. The question has been raised whether a hearing will be necessary if all submitters 'waiver their right to be heard. At this stage, and until such stage as all submitters waive their right to be heard, there will need to be a hearing. Even if all submitters withdraw their right to be heard, the Panel considers that there may be some merit in having an Requestor/Council officer hearing (meeting) only so that the Hearing Panel are able to effectively and efficiently ask questions of the two parties – this is preferred rather than via some remote forum. The Panel's own deliberations and decision making will be more effective that way also.

Next steps

10. As summarised above we now suggest that the Council, in conjunction with the Requestor, communicate a timeline to the Panel which addresses the following matters:
 - (a) Confirmation of Mr Able and Forest and Bird as to a timeframe for making a decision on whether or not they might withdraw their right to be heard at the hearing; and
 - (b) The Council to confirm whether any further information requests are required and when this request will be provided to the Requestor; and
 - (c) (ultimately) the date to which the Requestor's response to this further information request is likely to be provided to the Council.
11. We request that the above timeline be provided by the relevant parties (the two submitters, Council and requestor respectively) to the Council hearing administrator by **5 June 2020**.
12. Following receipt of this timeline the Panel will be in a better position to set a hearing date and the programme leading up to it.

DATED this 27th day of May 2020



DJ McMahon
Chair - Independent Hearings Panel

For and on behalf of:
Commissioner EA Burge
Commissioner DJ McMahon