

**HUTT CITY COUNCIL**

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

**MINUTE 3 OF INDEPENDENT HEARING PANEL**

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**Introduction**

1. This is our third Minute and responds to, and addresses, the following matters:
  - a. The Hearing Panel site and locality visits as indicated in Minute 1 dated 10 April 2020;
  - b. the next steps' that were set out in Minute 2 dated 27 May 2020;
  - c. The hearing generally; including indicative timing; and
  - d. The response to Minute 2 received by the Council from the Requestor on 5 June 2020 and received by us on 6 June 2020.

**Hearing Panel Site and Locality Visits**

2. Minute 1 requested that if any party had a desire for us to visit a particular site or locality they were to advise the hearing administrator by 20 May 2020.
3. No hearing participant has responded to this request. Accordingly, the Hearing Panel will proceed with a detailed site and locality visit prior to the hearing – other visits during or after the hearing may also occur if necessary and we will communicate that at the hearing.

**'Next Steps' set out in Minute 2**

4. The 'next steps' set out in Minute 2 requested 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.
5. We requested 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**.

6. Minute 2 concluded by advising the parties that following receipt of this timeline the Panel would be in a better position to set a hearing date and the programme leading up to it; which is the matter we now address.

### **The Hearing and Indicative Timing**

7. The Hearing Panel is cognisant of the pre-hearing discussions and conferencing that has occurred and appreciates the efforts of all participants who have engaged in this process. The Requestor's response of 20 May to Minute 1 noted that with the exception of two parties (Mr Able and Forest and Bird) all other submitters had confirmed that they no longer wish to be heard at the hearing. Since then, we have received the Requestors 5 June update and recently formally received from the Council on 9 June copies of correspondence from the following submitters who have waived their right to be heard at any hearing:
  - a. Powerco
  - b. GWRC
  - c. Mr and Mrs Able, and
  - d. Transpower
8. We note this now includes Mr Able. We are advised by the Requestor in their 5 June response that Forest and Bird has indicated that they are likely to do the same; however, as we understand it, this is dependent on the further information request - this is further discussed below.
9. It is important for submitters to note that all submissions on the Plan Change will be taken into account by the Hearing Panel regardless of whether submitters attend the hearing or not.
10. After due consideration of the timing for a hearing we have tentatively set down mid to late August 2020 for the hearing. As stated in our Minute 2, confirmation of all submitters that they no longer wish to be heard at the hearing (which is almost now complete bar Forest and Bird) and responses to any further information requests from the Council, will be instrumental in determining the actual hearing date and the sequential programme of reporting and evidence pre-circulation leading up to that.
11. Please note that all parties will be formally advised directly by the Council hearing administrator of the final hearing dates selected once they are confirmed and this includes the programme for circulation of evidence as signalled in our Minute 1.

### **Response to Minute 2**

12. The Requestor provided a response to Minute 2 to the hearing administrator via email on 5 June 2020.
13. The email responding to Minute 2 confirmed that the Council's further information request will be supplied to the Requestor by the close of business on **Wednesday 10 June 2020**. We assume this has occurred and note that once the Requestor has received this request for information, they will be in a position to provide a timeframe as to when they can supply a response to this request.

14. As a consequence of being advised that there would be a further information request, the Requestor and the Council sought an extension to respond to the timeline matter that was outlined in Minute 2. The extension sought is to **Friday 12 June 2020**.
15. The Hearing Panel grants the extension of time sought but due to the uncertainty regarding the timing of the further information request from the Council, we require a response addressing the timeline matter **5 working days from the receipt of the further information request** from Council, as opposed to the date originally sought by the Council/Requestor.
16. As noted above, the Hearing Panel has received confirmation that Mr Able has withdrawn his right to be heard. This leaves the position of Forest and Bird to be determined. In this respect, we note that the request for further information is likely to identify some outstanding ecological matters which will need to be responded to. A statement from Forest and Bird, as we understand it, is anticipated to follow the Requestor's response to the further information request. At that time we will make a final call on the hearing date and a formal notice will be sent to the parties.
17. In the meantime, if there are any queries arising from this Minute please contact the HCC hearing administrator (Jackie Sowry) in the first instance. She can be reached at ([jackie.sowry@huttcity.govt.nz](mailto:jackie.sowry@huttcity.govt.nz)).

**DATED** this 10<sup>th</sup> day of June 2020



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DJ McMahon  
Chair - Independent Hearings Panel

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