

HUTT CITY COUNCIL
PROPOSED PRIVATE PLAN CHANGE 47: MAJOR GARDENS, KELSON –
REZONING TO GENERAL RESIDENTIAL ACTIVITY AREA AND GENERAL
RECREATION ACTIVITY AREA
MINUTE 5 OF INDEPENDENT HEARING PANEL

Introduction

1. Further to our previous minute (Minute 4 dated 20 June 2020), we have been appraised by the Council of actions taken by the parties in readiness for the hearing. We note also that the Council will soon issue a formal hearing notice with dates and venue for the confirmed proceedings.
2. In the meantime, the general function of this Minute is to update the parties on the abovementioned recent actions and to now confirm the formal exchange timetable for expert evidence and to set out some additional requests to the parties in preparation for the hearing.
3. In this respect, this minute covers the following matters:
 - a. Further information provided
 - b. Evidence circulation
 - c. Pre-hearing discussions
 - d. Hearing process and presentations
4. This is likely to be out last minute prior to the hearing.

Further Information

5. As mentioned in Minute 4 , the Council by letter dated 10 June 2020 issued the Requestor with a Request for Further Information. By follow up email entitled “Other Matters re PC47” dated 11 July 2020 the Council also sought additional information from the Requestor.
6. In a memorandum dated 10 July the Requestor provided its response to those requests for further information. That response now forms part of the proposal for Plan Change 47 to be considered by this Panel. The matters covered in the further response include:
 - a. the area of SNA (commonly referred to as ‘the finger’);
 - b. the suitability of proposed options and measures to achieve a water sensitive approach, especially relating to stormwater management,
 - c. information on how the plan change deals with buffer planting along newly exposed indigenous vegetation margins;
 - d. a revised traffic assessment;
 - e. Miscellaneous planning matters
7. A full copy of the response is available for inspection on the Councils web page as follows: <http://www.huttcity.govt.nz/Your-Council/Plans-publications-and-bylaws/District-Plan/District-Plan-changes/pc47/>

Evidence Circulation

8. The hearing date has now been confirmed for a single day during the week of 24th August – most probably Wednesday 26th August. A formal notice identifying the actual date and venue will be issued by the Council in the next few days.
9. As signalled in our previous minute, any expert evidence called by the parties must be pre-circulated. With the hearing date confirmed, we direct the following timetable for exchange:
 - (a) the Section 42A Report and any expert evidence called by the City Council will be made available by no later than **31 July 2020**;
 - (b) the Requiring Authority's expert evidence will be made available by no later than **7 August 2020**; and
 - (c) any expert evidence called by submitters must be made available by no later by **14 August 2020**.
10. In all respects above, the reports/evidence must be provided to the Council administrator – Ms Jacky Sowry – **by 3pm on the date stated** so that the material can be posted on the Council web page and parties advised by 5pm on the same day.
11. To reiterate our previous directions, submitters who are not calling expert evidence do not need to pre-circulate any presentation material they wish to speak to at the hearing. The above circulation requirements only apply to any expert evidence submitters wish to call. For any questions of clarification about professional expertise and the code of conduct for expert witnesses, please contact Ms Sowry in the first instance.
12. Again, any legal submissions by counsel for the parties can be made at the hearing and are not subject to pre-circulation.

Pre-hearing discussions & conferencing

13. We understand from the Council the Requestor is still amenable to meeting with any submitters who may have unresolved concerns and we are grateful for that initiative. We also understand that – at the time of writing – there may only be two submitters in that category; namely Mr Able and Forest and Bird.
14. The content of the further information may therefore be of particular interest to those two parties. We are supportive of any further initiative the parties can take to narrow issues in contention in advance of the hearing.

Hearing process and presentations

15. Ms Sowry will be in contact over the coming weeks to confirm speaking times for all parties who will be attending the hearing.
16. All parties will be given sufficient time to present, though we recommend a presentation time of 15-30 minutes per speaker as a rule of thumb.
17. Also, where any submitters share common issues and are happy to present jointly, that is strongly encouraged by us.

18. We will have read all submissions and expert evidence prior to the start of the hearing. In that respect, we will not require experts to read their evidence verbatim at the proceedings. Rather, experts should either:

- (a) prepare a short highlights package of their evidence to be circulated on the day; or
- (b) draw on specific excerpts and paragraphs in their evidence in chief.

19. It is likely that we will have questions of all submitters and experts. This is normal practice for hearings of this nature, and is essential to our understanding of the proposal and the key issues in contention.

20. We again encourage submitters to refer to the useful publication by the Ministry for the Environment below as a guide of what to expect from the hearing:

<https://www.mfe.govt.nz/publications/rma/everyday-guide-rma-designation-process>

Next Steps

21. As summarised above we now direct the pre-circulation of all expert evidence, commencing with the Council's s42A Report from the 31st of July.

22. In the meantime, if there are any queries arising from this Minute please contact the HCC hearing administrator (Jackie Sowry) in the first instance and she can be reached at (jackie.sowry@huttcity.govt.nz).

DATED this 21st day of July 2020



DJ McMahon
Chair - Independent Hearings Panel

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