

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hutt City Council Proposed District Plan Change 52: Alignment of the District Plan with the New Zealand Heritage List

Minute #1 of Hearing Panel

Proposed District Plan Change 52: Alignment of the District Plan with the New Zealand Heritage List

Councillor Simon Edwards and I have been delegated authority from Hutt City Council to consider the above application and the submissions received. A hearing has been scheduled to assist us in making a recommendation to the Council on the Plan Change.

Hearing details:

Location: Hutt City Council Chambers
Laings Road Lower Hutt

Date: Tuesday 16th April 2019

Time: 9.00am start

1. Provision of Expert Evidence:

Under s41B(3) of the Resource Management Act (“the Act”), we direct submitters who intend to call expert evidence at the hearing to provide briefs of the evidence before the hearing. This is in addition to Councils officers report. The briefs of evidence of submitters’ experts and the recommendation report of the Council’s planning officer must be provided as follows:

Planning officer’s recommendation report

A copy of the planning officer’s recommendation report and any associated expert evidence must be provided to submitters 15 working days before the hearing (section 42A(3) of the Act). This would be no later than 4pm Tuesday 26th March 2019.

Submitters’ expert evidence

A person who has made a submission and who is intending to call expert evidence must provide briefs of this evidence to the Council and the applicant at least 5 working days before the hearing (section 41B(4) of the Act). This would be no later than 4pm Tuesday 9th April 2019.

Non-expert evidence (including submitter lay evidence and any legal submissions) should be tabled and read aloud on the day of the hearing.

2. Viewing evidence:

The Council is required to make all briefs of evidence available on its website and at its offices.

To meet this requirement, a copy of the Council planner’s recommendation report and any associated expert reports, and any evidence provided by submitters will be made available on Council’s website and at the Council offices at the timeframes set out above. In addition all parties will be sent an electronic link to the evidence submitted.

3. The Hearing:

A useful guide to the conduct of hearings can be found at:

<http://www.mfe.govt.nz/publications/rma/everyday-guide-rma-appearing-council-resource-consent-hearing>.

All submitters will have an opportunity to be heard.

However pursuant to s41C(1) of the Act, I direct that in respect of any expert evidence pre-circulated in accordance with these Directions, the hearing will be conducted in the following manner:

- The section 42A report and all pre-circulated evidence will be taken as read;
- For those submitters that have provided pre-circulated evidence they are to call the expert witness in person;
- The expert witness should be introduced and asked to confirm his or her qualifications and experience;
- The expert witness should be asked to confirm the matters of fact and opinion contained in the brief of evidence;
- The expert witness will then be given an opportunity to draw to our attention the key points in the brief. No new evidence shall be introduced, unless it is specifically in response to matters raised in other pre-circulated briefs of evidence supplied by another party – in such cases the new evidence shall be presented in written form as an Addendum to the primary brief of evidence and it may be verbally presented by the expert witness.
- We may then question the expert witness.
- All other submitters will have the opportunity to make representations in the order of the agenda.

4. Site visit

We will be undertaking site visits prior to the hearing commencing. We will do so unaccompanied by any other parties. We may undertake further site visits after the hearing.

5. Correspondence

Any correspondence with me should be directed through Rachel Paul via Rachel.Paul@huttcity.govt.nz and I will endeavour to respond as soon as I can.

The hearing is a formal semi-judicial process, but will be conducted as informally as possible, consistent with the procedures specified in the Act. As stated all parties will have a fair and reasonable opportunity to present their submissions.

Hearing coordinators from the Council will be in touch with all parties who wish to present at the hearing to ascertain times for the presentation. This is in order that scheduling can occur and that we make the most efficient use of everyone's time. We will make every effort to accommodate peoples' preferences.



Lindsay Daysh

Independent Commissioner (Chair)