

**HUTT CITY COUNCIL**

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

**MINUTE 4 OF INDEPENDENT HEARING PANEL**

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**Introduction**

1. This is our fourth Minute and responds to and addresses the following matters:
  - a. The Requestor's response to the Council hearings administrator on 19<sup>th</sup> June to matters set out in the Panel's Minute 2 (dated 27 May) and Minute 3 (dated 10 June); and
  - b. The timing of the hearing and indicative programme leading up to it.
2. This is likely to be penultimate minute/directions before the commencement of the hearing.

**Response to Panel Minutes 2 and 3**

3. Minute 2 suggested that the Council, in conjunction with the Requestor, communicate a timeline to the Panel which addressed 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.
4. We requested that the above timeline be provided by the relevant to the Council hearing administrator by **5 June 2020**.
5. 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; this matter is further discussed below.
6. The Requestor provided a response to Minute 2 via email on 5 June 2020 confirming that the Council's further information request was to be supplied to the Requestor by **Wednesday 10 June 2020**; and we note this has now occurred. The Requestor also sought an extension of time to address the timeline matter - the Panel's Minute 3 granted this extension of time.
7. Minute 3 also recorded the advice we had received from the Requestor that Mr Able had withdrawn his right to be heard at the hearing (noting that all submissions remain valid regardless of whether they are "heard" or not) . The Panel further noted in respect of Forest and Bird the request for further information is likely to identify some outstanding ecological matters which will need to be responded to

by the latter. As we understand it, a statement from Forest and Bird is anticipated to follow the response by the Requestor to the further information request.

8. An email response from the Requestor addressing the timeline matter consistent with Minute 3 was received by the Council Hearing administrator on Friday 19 June 2020. That email response stated that a response to the Council's further information request will be provided by the Requester by **10 July 2020**.
9. That date is instrumental in determining the actual hearing date and the sequential programme of reporting and evidence pre-circulation leading up to that.

### **The Hearing and Programme Timing**

10. The Requestor's email cited above also provided a timetable for the hearing and the programme leading up to the hearing. While this timeline was helpful; we indicated in Minute 3 that, due to the previous delays on this matter and our own hearing commitments, our preference is for a hearing to occur mid to late August 2020. This is still our position and we have not been provided with any compelling reasons for us to depart from this timing.
11. That said we can confirm that the hearing is likely to be held during the week of the **24 August 2020**. Please note that all parties will be formally advised directly by the Council hearing administrator of the final hearing dates and venue selected once they are definite and this will include the circulation of evidence as signalled in our Minute 1.
12. To recap the circulation of evidence is as set out in Sections 41B and 42A of the RMA:
  - a. the Section 42A Report and any expert evidence called by HCC will be made available a minimum of 15 working days prior to the start of the hearing;
  - b. the Applicant's expert evidence will be made available at least 10 working days before the start of the hearing; and
  - c. any expert evidence called by submitters must be made available at least 5 working days before the start of the hearing.
13. On that basis, the s42A officer needs to be targeting her final report to be delivered to the Council hearings administrator for circulation by no later than 31 July – preferably slightly earlier.
14. To be clear, submitters do not need to pre-circulate any non-expert 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 the HCC hearing administrator in the first instance.
15. Any legal submissions by counsel for the parties can be made at the hearing and are not subject to pre-circulation.
16. As stated in Minute 3 all submissions on the Plan Change will be taken into account by the Panel regardless of whether they attend the hearing or not.

17. The Panel will issue a further minute/s when necessary including one when the hearing date is fixed which will detail the sequential programme of reporting and evidence pre-circulation leading up to that.
18. 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 20<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