

Minute #1 of Hearing Panel

DIRECTION ON HEARING PROCESS AND PROCEDURES

1. Introduction

The Hutt City Council has appointed a Hearing Panel to hear, consider and recommend a decision to the Council on a request by M & J Walsh Partnership Ltd (the Requestor) to change the City of Lower Hutt District Plan (Plan Change 58). The Hearing Panel comprises two external commissioners and a councillor, all accredited hearing commissioners under the Resource Management Act:

- Robert Schofield (Chair)
- Liz Burge
- Cr Brady Dyer

Plan Change 58 proposes to rezone the 12.5-hectare site at 12 Shaftesbury Grove, Stokes Valley, from *Hill Residential* and *General Recreation* to *Medium Density Residential*. This rezoning would allow the owner or another future owner of the site the ability to develop the land for residential purposes at a scale similar to that enabled in the adjacent residential area. The proposed plan change would also introduce provisions to the Subdivision chapter of the District Plan that would apply to future subdivision of the site. In particular, the plan change would introduce:

- A map identifying a development area for the site (proposed Appendix Subdivision 10),
- A new restricted discretionary activity rule for subdivision within the identified development area, with a set of assessment matters that relate specifically to subdivision of the site, and
- A new discretionary activity rule for any subdivision outside the identified development area, with a greater range of assessment matters.

No changes to the objectives, policies or rules of the District Plan are proposed.

The proposed changes to the Subdivision chapter are set out in Part 4 of the proposed plan change.

The hearing for Plan Change 58 has been scheduled at this stage for up to two days on **Monday 23rd and Tuesday 24th September 2024**. Details of the timing and venue will be provided shortly.

2. Direction for the circulation of evidence and reports

The Panel directs that the exchange of reports and evidence occur according to the following timetable:

1. Council evidence (section 42A reports)

A copy of the planning officer's evaluation report and any expert evidence prepared by Council officers and advisers must be provided to the requestor and submitters at least 15 working days before the hearing: accordingly, we direct that this information be provided **no later than 5pm Friday 30th August 2024**.

2. Requestor's evidence

A copy of the requestor's (applicant for the plan change request) evidence must be provided to the Council 10 working days before the hearing: accordingly, we direct that this information be provided **no later than 5pm Friday 6th September 2024**.

3. Submitters' evidence

A submitter who is intending to call expert evidence must provide briefs of this evidence to the Council and the requestor at least 5 working days before the hearing: accordingly, we direct that this information be provided **no later than 5pm Friday 13th September 2024**.

Non-expert evidence (including submitter lay evidence and legal submissions) should be tabled and read aloud on the day that the relevant party appears at the hearing. For submitters who intend making a presentation to the hearing in support of their submission, we recommend providing a written version for the Panel on the day.

3. Viewing reports and evidence

The Council is required to make all reports and evidence available at its offices. To meet this requirement, a copy of the Council officer's recommendation report and any associated expert reports, the requestor's evidence and any expert evidence provided by submitters will be made available at the City Council offices at the timeframes set out above. In addition, reports and evidence shall be posted to the plan change webpage on the City Council website: hutt.city/pc58

4. Hearing process

While the hearing is a semi-judicial process, it will be conducted as informally as possible, consistent with the procedures specified in the Resource Management Act 1991. All parties will have a fair and reasonable opportunity to present their submissions. A useful guide to the conduct of hearings can be found at:

<https://environment.govt.nz/publications/appearing-at-a-hearing-about-a-proposed-plan-or-resource-consent/>

The Hearing will be conducted according to the following order:

1. The Panel will first ask Council advisers whether there are any procedural matters or updates about which hearing participants should be aware;
2. The Plan Change requestor shall then present their evidence;
3. Submitters shall then have an opportunity to talk to their submissions and to call any expert witnesses (we note that submitters are encouraged to work together to provide a joint presentation on issues in common);
4. Council advisers are then asked to talk to their reports and evidence, and to respond to any matters arising in the hearing; and
5. Finally, the requestor will be asked to respond to any matters arising in the Hearing through their right-of-reply.

Pursuant to s41C(1) of the RMA, with 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 by the Panel and will not need to be read out in full at the hearing – we recommend providing written summaries of your key points;

- Each witness will be given an opportunity to talk to the key points in their evidence: no new evidence shall be introduced, unless it is specifically in response to matters raised in other pre-circulated evidence supplied by another party – in such cases, the new evidence shall be presented in writing as an addendum to the primary evidence and it may be verbally presented by the witness;
- The Panel may then question the witness; and
- Submitters are asked to keep within the scope of the matters raised in their submission.

5. Pre-hearing resolution of issues

The Panel recommends that the parties take opportunity of the period before the hearing to resolve matters of contention.

The Hearing Administrator will be in contact with the parties shortly to identify if any experts are being engaged to present evidence to the Hearing. If any submitters are engaging expert witnesses to provide evidence to the hearing, they are encouraged to have their experts work with the requestor's experts to attempt to reduce the matters of contention.

On its own volition, or on request from any of the parties to the hearing, the Council may invite persons to attend a pre-hearing meeting for the purpose of either clarifying a matter or issue or facilitating resolution of a matter or issue. Such meetings would be facilitated by a person who has no role or interest in the hearing.

6. Site visit

The Panel will be undertaking a site and locality visit prior to the hearing commencing. We will do so unaccompanied by any of the parties to the hearing. The Panel may undertake a further site visit during or after the hearing if we consider it necessary.

7. Correspondence and hearing scheduling

Any correspondence should be directed through the Hearing Administrator, Saritha Shetty, via email: Saritha.Shetty@huttcity.govt.nz

Closer to the time, the Hearing Administrator will be in touch with all parties who wish to present at the hearing to ascertain times for their presentation and whether they will attend in person or via Teams. This is in order that we can schedule people's attendance and speaking times to make the most efficient use of everyone's time.



Robert Schofield
Hearing Panel Chair

Dated this 13th August 2024