

## **Minute #1 of Hearing Panel**

### **DIRECTION ON HEARING PROCESS AND PROCEDURES**

#### **1. Introduction**

The Hutt City Council has appointed the Hearing Panel to hear, consider and recommend a decision to Council on an application by Boulcott’s Farm Heritage Golf Club Incorporated (the Requestor) to change the City of Lower Hutt District Plan (Plan Change 54). The Hearing Panel comprises two external commissioners and a councillor, all accredited hearing commissioners under the Resource Management Act:

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

Plan Change 54 proposes to rezone a portion of approximately 1.6 hectares of the site at 33 Military Road, Boulcott, from the General Recreation Activity Area to the General Residential Activity Area, and to remove the Secondary River Corridor Overlay. This rezoning would allow the club or another future owner of this part of the site the ability to develop the land for residential purposes at a scale similar to that enabled in the adjacent residential area. No changes to the objectives, policies or rules of the District Plan are proposed.

The hearing for Plan Change 54 has been scheduled at this stage for the six days between Monday 31<sup>st</sup> January 2022 and Tuesday 8<sup>th</sup> February 2022, excluding Monday 7<sup>th</sup> February which is Waitangi Day holiday. Details of the timing and venue will be provided at a later time.

#### **2. Direction for the Circulation of Evidence and reports**

In determining the timeline for the circulation of reports and evidence, the Panel has taken into account that the pre-hearing period includes Christmas and the summer holiday period. Accordingly, we are directing that the exchange of reports and evidence occur before the Christmas/summer holiday period, in the following order:

##### **1. Council evidence**

A copy of the planning officer’s recommendation report and any expert evidence prepared by Council officers and advisers must be provided to the requestor and submitters 15 working days before the hearing (section 103B(2) of the Act). However, to take into account the Christmas/summer holiday period, we are directing that the Council’s officer report and evidence are to be provided **no later than 5pm Friday 3rd December 2021.**

##### **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 (section 103B(3)). This would be **no later than 5pm Friday 10<sup>th</sup> December 2021.**

##### **3. Submitters’ 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 requestor at least 5 working days before the hearing section 103B(4)). This would be **no later than 5pm Friday 17<sup>th</sup> December 2021.**

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.

### **3. Viewing reports and evidence**

The Council is required to make all reports and briefs of 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:

<http://www.huttcity.govt.nz/pc54/>

### **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 (the Act). 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:

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

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(s) and all pre-circulated evidence will be taken as read and will not need to be read out in full at the hearing
- Each witness will be given an opportunity to draw to the Panel's attention to the key points in their 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 witness
- The Panel may then question the witness.
- Submitters are asked to keep within the scope of the matters raised in their submission.

## 5. Covid-19

In regard to Covid-19, it is presumed that, by the time of the hearing on 31<sup>st</sup> January to 8<sup>th</sup> February 2022, Wellington will be at a level to enable in-person attendance at the hearing, subject to appropriate distancing and hygiene procedures being followed. Nevertheless, the Council will have facilities to enable parties to attend virtually, if they provide the Council with sufficient advanced notice, by using Microsoft Teams videoconference software, which the Council will provide.

If public indoor gatherings are prohibited at the time, or if there are restrictions on public indoor gatherings, the entire hearing will be held virtually.

Further details on how the Hearing will be held to meet Covid-19 requirements will be issued as soon as practicable prior to the Hearing.

## 6. Pre-Hearing Meetings and Expert Conferencing

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

If any submitters, individually or collectively, are engaging expert witnesses to provide evidence to the hearing, they are encouraged to have the experts conference to attempt to reduce the matters of contention. The Hearing Administrator will be in contact with the parties shortly to identify what experts are being engaged to present evidence to the Hearing.

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.

## 7. 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.

## 8. Correspondence and Hearing Scheduling

Any correspondence should be directed through the Hearing Administrator, Asha Surrey, via email: [asha.surrey@huttcity.govt.nz](mailto:asha.surrey@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 8<sup>th</sup> October 2021