

HUTT CITY COUNCIL

PROPOSED DISTRICT PLAN CHANGE 56: ENABLING INTENSIFICATION IN RESIDENTIAL AND COMMERCIAL AREAS

MINUTE 2 OF THE INDEPENDENT HEARING PANEL

1. The purpose of this minute is to:
 - Confirm the procedures for the hearing for Proposed District Plan Change 56 (the proposed plan change),
 - Outline the revised timetable for the hearing, and
 - Circulate the Register of Panel Interests.
2. As usual, any submitter enquiries relating to the proposed plan change and the hearing should be directed to the Hearing Administrators. They can be contacted at District.Plan@huttcity.govt.nz or 04 570 7426.

Hearing procedures

3. On 8 February, the Panel circulated a minute that contained a draft of the procedures for the hearing.
4. A Submitter Briefing Session was held on 27 February at the Lower Hutt Events Centre. The purpose of the session was to give a summary of the proposed plan change and to discuss the draft procedures for the hearing.
5. This session was well attended and included a good discussion on the hearing procedures and proposed plan change in general.
6. These hearing procedures have now been finalised. A copy of the finalised hearing procedures is attached.
7. The Panel would also like to remind submitters who wish to present expert evidence of the directions relating to expert evidence (paragraphs 48 to 53 of the Hearing procedures). In particular, the request that each party provide a table clearly setting out any changes in wording proposed (paragraph 52).
8. To assist with this, Word documents of the chapters of the proposed plan change, incorporating recommended amendments from the Council Officer Report, are available on the proposed plan change website at hutt.city/pc56.

Revised hearing timetable

9. Initially, the Council Officer Report for the hearing was expected to be available from Monday, 6 March. This report was delayed, and as a result, it was not available until Wednesday, 8 March.
10. To ensure that no-one is prejudiced by this delay, the timeframe for providing expert evidence has been extended.
11. Expert evidence is now to be received by **Wednesday, 29 March**.

12. The following table presents the revised timetable for the hearing:

| Timetable for hearing on Proposed District Plan Change 56 (revised 8 March) | |
|--|---|
| Submitter Briefing Session | Monday, 27 February |
| Council Officer Report published on the plan change website | Wednesday, 8 March |
| Expert evidence pre-circulated to the Hearing Panel and published on the plan change website | Wednesday, 29 March |
| Hearing held | Wednesday, 12 April to Friday, 21 April (with the following week as reserve of required) |
| Council Officer's Right of Reply | Wednesday, 26 April to Friday, 28 April (exact dates to be confirmed closer to the time) |

Register of Panel Interests

13. Paragraphs 12 to 18 of the Hearing Procedures with regard to a Register of Interests for the Hearing Panel. They state:

12. *A fundamental pre-requisite to a fair and transparent hearing process is an obligation on all Commissioners to bring an independent view and open mind to the role, free of any conflicts of interest that could result in bias and/or predetermination.*
13. *Conflicts of interest may include where a Commissioner:*
 - *Has previously advocated a particular position, or*
 - *Has appeared in the past as an expert witness or advisor to a party who may hold an interest and/or lodged a submission on a proposed District Plan provision, or*
 - *Holds an interest which may result in an actual or perceived conflict of interest and/or bias.*
14. *As part of the appointment process, the Hearing Panel members were required to declare any conflicts of interest. Following appointment, the Hearing Panel agreed to disclose any potential interests to the Chair prior to, and during, the commencement of the hearings.*
15. *The vehicle for recording the above interests is a "Register of Interests" which records the ongoing involvements and/or interests held by Panel Members. Panel Members will update the register, by advising the Hearing Administrators, throughout the hearing where potential conflicts come to light.*

16. *The Register of Interests will be maintained for the full term of the hearing process and will be publicly available on the Council website once the hearing commences.*
 17. *At the commencement of each hearing day, the Hearing Panel Chairperson will ask Commissioners to declare that no issues of 'interest' arise for them in relation to the day's proceedings. The Chairperson will also make a similar declaration. If there is any declared issue of interest in the upcoming hearing day in relation to any submission to be heard that day, the Chairperson or Commissioner will excuse themselves from the hearing for the period of that submission and will not take part in any deliberations or decision making about that submission.*
 18. *All parties to each day's proceedings will be entitled to bring to the Hearing Chairperson's attention any potential 'interest' situation.*
14. The Register of Interests for the Hearing Panel is attached.
15. The Hearing Panel requests that any submissions regarding these declared interests be identified with the Hearing Administrators (District.Plan@huttcity.govt.nz or 04 570 7426) by 17 March.

DATED Thursday, 9 March 2023



Stephen Daysh

Chair - Independent Hearings Panel

For and on behalf of:

Commissioner Elizabeth Burge

Commissioner David McMahon



**PROPOSED DISTRICT PLAN CHANGE 56: ENABLING INTENSIFICATION IN
RESIDENTIAL AND COMMERCIAL AREAS**

**PROCEDURES FOR HEARING OF SUBMISSIONS
9 MARCH 2023**

Introduction

1. The purpose of this document is to outline the procedures for the hearing on Proposed District Plan Change 56. This hearing will commence on 12 April 2023.

2. The document covers the following matters:
 - Relevant Background

 - Membership and Role of the Hearing Panel

 - Principles of Hearing Process and Hearing Sessions

 - Register of Interests

 - Role of Council Staff and Expert Advisors

 - Pre-hearing Meetings

 - Evidence Preparation and Pre-circulation

 - Site Visits

 - Hearing Process and Presentations

 - Hearing Sessions and Protocols

- Expert Conferencing
 - Hearing Schedule
3. The Hearing Panel will issue other directions by way of Minute from time to time, both in the lead-up to the hearing, and during the course of the hearing.

Relevant Background

4. Hutt City Council notified the Proposed Plan Change on 18 August 2022. The submission period closed on 20 September 2022, with 277 submissions received.
5. The summary of submissions was notified on 10 November 2022, with 25 further submissions received.

Membership and Role of the Hearing Panel

6. In accordance with s34A(1) of the Resource Management Act 1991 (RMA) the Hutt City Council (the Council), has appointed a three-member Hearing Panel of Commissioners comprising:
 - Stephen Daysh (Independent Commissioner and Hearing Panel Chairperson)
 - Liz Burge (Independent Commissioner and Panel member)
 - David McMahon (Independent Commissioner and Panel member)
7. The Hearing Panel is required to hear all submissions and further submissions and prepare recommendation reports to the Council on the submissions and further submissions. The Hearing Panel assumed the responsibility for the hearings process from 12 August 2022.
8. References to submissions and submitters in this document includes further submissions and further submitters.
9. The quorum for the Hearing Panel is two Commissioners. The Chairperson of the

Hearing Panel shall have a casting vote in the event of any disagreement.

Principles of Hearing Process and Hearing Sessions

10. The objective of the Hearing Panel is to ensure that to the greatest extent practicable, and in compliance with the requirements of the RMA, the most appropriate, fair and efficient hearing process is established.
11. The Hearing Panel will establish and conduct hearing processes that:
 - **Are appropriate and fair.** The Hearing Panel will at all times act in a fair and transparent manner.
 - **Avoid unnecessary formality.** The Hearing Panel will be inclusive and acknowledge the broad range of interests of submitters and facilitate a process that provides all parties the opportunity to be heard, whether presenting oral or written submissions and evidence.
 - **Are efficient.** The Hearing Panel will conduct an efficient process which minimises time and costs to all parties participating in the hearing. The Hearing Panel will provide all submitters with an adequate opportunity to be heard, while, at the same time, avoiding unnecessary repetition and presentation of irrelevant material.
 - **Recognise tikanga Māori.** The Hearing Panel will receive written or spoken evidence in Māori, if and when requested to do so by a submitter who has given one weeks' notice to enable an interpreter to be available.
 - **Recognise New Zealand sign language.** The Hearing Panel will receive evidence in sign language, if and when requested to do so by a submitter who has given one weeks' notice to enable an interpreter to be available.

Register of Interests

12. A fundamental pre-requisite to a fair and transparent hearing process is an obligation on all Commissioners to bring an independent view and open mind to the role, free of any conflicts of interest that could result in bias and/or predetermination.

13. Conflicts of interest may include where a Commissioner:
- Has previously advocated a particular position, or
 - Has appeared in the past as an expert witness or advisor to a party who may hold an interest and/or lodged a submission on a proposed District Plan provision, or
 - Holds an interest which may result in an actual or perceived conflict of interest and/or bias.
14. As part of the appointment process, the Hearing Panel members were required to declare any conflicts of interest. Following appointment, the Hearing Panel agreed to disclose any potential interests to the Chair prior to, and during, the commencement of the hearings.
15. The vehicle for recording the above interests is a “Register of Interests” which records the ongoing involvements and/or interests held by Panel Members. Panel Members will update the register, by advising the Hearing Administrators, throughout the hearing where potential conflicts come to light.
16. The Register of Interests will be maintained for the full term of the hearing process and will be publicly available on the Council website once the hearing commences.
17. At the commencement of each hearing day, the Hearing Panel Chairperson will ask Commissioners to declare that no issues of ‘interest’ arise for them in relation to the day’s proceedings. The Chairperson will also make a similar declaration. If there is any declared issue of interest in the upcoming hearing day in relation to any submission to be heard that day, the Chairperson or Commissioner will excuse themselves from the hearing for the period of that submission and will not take part in any deliberations or decision making about that submission.
18. All parties to each day’s proceedings will be entitled to bring to the Hearing Chairperson’s attention any potential ‘interest’ situation.

Role of Council staff and expert advisors

19. A number of Council staff and expert advisors will be involved in the hearing process. These are:

- a) Council Officer Report writers (made up of internal staff and consultants);
- b) Where required, expert advisors (made up of internal staff and consultants);
and
- c) Hearings Administrators.

Council Officer Report Writers

20. Council staff and consultants and/or expert advisors (where required) are involved in the preparation of the Council Officer Report. This report summarises and evaluates the various submissions and further submissions received.

21. Council will make this report available via the Council's Proposed Plan Change webpage at least 20 working days in advance of the hearing. The report writers will attend the hearings and be available to answer any questions from the Hearing Panel. The Council Officer Report constitutes part of the body of evidence to be considered by the Hearing Panel, alongside the evidence of submitters.

22. The Hearing Administrators will load the Council Officer Report and any other Council evidence on the Council's Proposed Plan Change webpage as soon as practicable after receipt. Once it is available online, the Hearing Administrators will email submitters (who indicated they wished to be heard) a link to the report.

23. The Council Officer Report will contain recommendations from Council staff, consultants and/or expert advisors for the consideration of the Hearing Panel. The recommendations are not binding on the Hearing Panel. Furthermore, the Council Officer Report carries no greater weight than any other material to be brought forward by, or on behalf of, any submitter.

Hearing Administrators

24. The Hearing Administrators are the Council's 'point of contact' for submitters and the

public (including the media).

25. Submitters, the Council Officer Report writers and/or their experts wishing to bring matters to the attention of the Commissioners must direct all queries through the Hearing Administrators.
26. A Hearing Administrator will oversee the various administrative tasks needed to ensure an efficient hearing process. These tasks include:
 - a) Issuing schedules and hearing notifications;
 - b) Making meeting arrangements;
 - c) Making available Hearing Panel minutes and directions;
 - d) Circulating evidence and reports received by the Hearing Panel;
 - e) Handling submitter enquiries;
 - f) Handling public enquiries to the Hearing Panel; and
 - g) Assisting the Hearing Panel as required.
27. The Hearing Administrators are also responsible for managing the Council's Proposed Plan Change webpage to ensure that all the necessary information to support an efficient hearing process is available.
28. The website address is hutt.city/pc56
29. The email address for the Hearing Administrators is District.Plan@huttcity.govt.nz.

Pre-hearing meetings

30. Occasionally a pre-hearing meeting between Council staff/consultants and submitters may be required. Council staff/consultants will be responsible for organising and scheduling pre-hearing meetings. These meetings will have an independent facilitator in some instances and are to occur in a timely fashion prior to the actual hearings.

31. The Hearing Panel considers that pre-hearing meetings can be useful to identify and resolve procedural issues, and to determine whether substantive issues raised in submissions can be addressed through mediation, other alternative dispute resolution process, expert conferencing or by way of a hearing session.
32. Minutes will be taken at the pre-hearing meetings and a report will be prepared by the Chair or Facilitator for the Hearing Panel. The report will set out any understanding, clarification or resolution of a matter or an issue agreed between parties in attendance.

Expert Conferencing and “Hot Tubbing”¹

33. The Chairperson of the Hearing Panel may, at any time prior to or during a hearing, request that those parties (the reporting officers and submitters) calling expert witnesses co-ordinate conferencing of their respective experts on matters relevant to their specific areas of expertise. The aim of such conferencing is to identify areas of agreement and disagreement.
34. Expert conferencing will normally only be requested where one or more specific issues which are the subject of expert evidence require separate conferencing between expert witnesses associated with the area of expertise identified. The Council will make available a Facilitator to assist with the expert conferencing, if requested by either the Hearing Panel or one or more of the parties.
35. In the Hearing Panel’s opinion, the optimum time for expert conferencing is in the two-week period following the receipt of submitter evidence (which has followed the previous receipt of the Council Officer Report) and the commencement of a hearing. At such time, the Panel may direct conferencing on matters of clear evidential differences between the Council Officer Report and submitter evidence. Notwithstanding this, parties are encouraged to consult and conference on any matters at any times without the need for a specific direction from the Panel.
36. During the hearing, the Hearing Panel Chairperson may request a group of one or more expert witnesses to sit together in a “hot tub” format to allow questioning from the

¹ Expert “hot-tubbing” is the practice of expert witnesses providing evidence concurrently, so that they might engage in discussion and address questions in parallel (instead of being questioned individually by the Hearing Panel).

Hearing Panel on their areas of expertise and the factual matters and/or opinions they have expressed in prior written or oral evidence.

37. The Hearing Panel will focus on the issues of contention during the hearing and in their deliberations thereafter and so would greatly appreciate the assistance of the parties to clearly identify areas of expert agreement and disagreement in the manner described above.
38. The Hearing Panel has the same expectations of expert witnesses as set out in the Environment Court's Practice Note², including in particular:
 - a) An expert witness has an overriding duty to assist the Hearing Panel impartially on matters within the expert's area of expertise. This duty to the Court overrides any duty to a party to the proceeding or any other person engaging the expert; and
 - b) An expert witness is not, and must not behave as, an advocate for the party who engages the witness. Expert witnesses must declare any relationship with the parties calling them or any interest they may have in the outcome of the proceedings.

Hearing schedule

39. The hearing will commence on 12 April 2023 and is planned to continue through to 21 April 2023. In addition, 26 to 28 April 2023 have been set aside for any overflow for the hearing and for the reply from the writer(s) of the Council Officer Report.
40. Parties may request leave from the Hearing Panel Chairperson for submitters and/or expert witnesses to attend the hearing to provide submissions and /or evidence using the "Zoom" platform. Such requests must be made at least five working days prior to the start of a hearing topic along with an outline of the reasons for the request.
41. The consideration of and a decision on any such a request will be guided by the following principles:

² See <https://www.environmentcourt.govt.nz/assets/Documents/Publications/Practice-Note-2023-.pdf>

- a) The Hearing Panel understands it is the Council's preference to hold hearings "in person" whenever possible and this will be the general requirement for all parties, unless leave is given by the Hearing Chairperson to attend via the "Zoom" platform;
- b) Where a submitter or expert witness is appearing for the first time on any hearing topic, then unless there is a valid and reasonable reason for not attending, that person shall be required to attend the hearing in person;
- c) Attendance at the hearing by a submitter or expert witness who wishes to use the Zoom platform shall be requested and approved using the process described above in paragraph 40.

Notice of Hearing and Speaking Timetable

- 42. A Hearing Administrator will formally notify submitters of the hearing date and evidence pre-circulation dates by email at least 20 working days prior to the hearing.
- 43. In the notification email the Hearing Administrator will seek confirmation from submitters of the time requested for the verbal presentation of evidence (whether expert or lay) at the hearing.
- 44. The Hearing Administrator will place an indicative hearing timetable on the Council's Proposed Plan Change webpage prior to the hearing. The administrator will advise all confirmed speakers when the timetable is available.

Evidence preparation and pre-circulation

Evidence format

- 45. The Commissioners expect that written evidence will be in the form of a compiled single PDF document, with numbered paragraphs and be page numbered for ease of reference.

Expert evidence from Council

- 46. A Hearing Administrator will make the Council Officer Report available on the Proposed Plan Change webpage at least 20 working days in advance of the hearing. The

administrator will advise all parties (via email, or post where no email address has been provided) to the hearing when the information is available. This will ensure that all relevant parties wishing to prepare evidence can do so having considered the matters addressed in the Council Officer Report.

Submitter Evidence

47. The Commissioners understand that many submitters may wish simply to speak to their original submission/further submission at the hearing. However, the Hearing Panel also anticipates that some submitters will wish to have written evidence prepared by suitably qualified expert(s) and potentially have legal submissions presented on their behalf.

Expert evidence ³ prepared for submitters

48. It is the Hearing Panel's intention to pre-read all expert evidence in advance of the hearings. To enable the pre-reading to be undertaken in a timely fashion, submitter's written expert evidence is to be provided to the Hearing Administrators, two weeks (10 working days) following the issuing of the Council Officer Report.
49. Submitters must provide all expert evidence in electronic format in the form prescribed in paragraph 45 above unless they have made an alternative arrangement with the Hearing Administrators.
50. The Hearing Administrators will post all submitter expert evidence on the Council's website as soon as practicable following receipt of that evidence.
51. Submitters should take a lead from the Council Officer Report in terms of content. The Commissioner's would prefer submitter's evidence to highlight areas of agreement and disagreement with the Council Officer Report. The evidence should clearly outline any changes in wording proposed (along with the rationale for these changes) along with an assessment pursuant to S32AA of the RMA.
52. To assist us in our deliberations, we request that each party provide a table clearly setting out any changes in wording proposed. Wording change tables are to be based

³ Expert Evidence as identified in the Environment Court of New Zealand Practice Note 2023.

on the version of the proposed plan change attached to the Council Officer Report (which incorporates the report writer's recommendations). This will provide Commissioners with both the recommended Council changes from the notified version of the proposed plan change, along with additions and/or strike-outs to the wording that is being sought by the submitter.

53. An example of the table format we would like to receive is attached to this document.

Panel's expectations of experts

54. Where a submitter files expert evidence, or an expert representing a submitter provides opinion evidence to the Panel about matters raised in the submitter's submission, it is the Panel's expectation that the witness or expert representative will make themselves available for questioning by the Panel at the hearing.
55. This appearance for questioning is an important duty of experts implicit in the Code of Conduct for Expert Witnesses, and essential to enable their opinions to be tested and given due weight. It is especially important where the expert is suggesting or supporting a different planning outcome to that recommended in the proposed plan change or by the Council Officer Report writers.
56. There are four circumstances in which the Panel would consider relaxing this requirement on experts to appear in person:
- a) Where the witness has been excused from appearing (leave having been sought and obtained from the Chairperson);
 - b) Where appearance other than in person has been pre-arranged (e.g., by the Zoom platform);
 - c) Where the expert is simply advising the Panel that they (or their submitter client) accept the recommendations of the Council Officer Report writer(s) as to the relief sought by the submitter; and
 - d) Where the Hearing Panel has provided written advice via the Hearings Administrator that they have no questions for the expert witness.
57. Expert evidence filed with the Panel that does not fall within categories c) and d) above,

or where the witness does not appear, or make alternative arrangements per categories a) and b) above, will not be considered by the Panel in our decision making.

Lay evidence from submitters

58. When a submitter speaks to their submission only (is not giving expert evidence), this is considered lay evidence. Submitters can present written lay evidence on the day of the hearing and read it aloud. It is not required to be pre-circulated. Submitters need to bring five copies of any written material to the hearing and supply an electronic copy to the Hearing Administrators within two days of completing their presentation.
59. Any submitter wishing to speak to their submission using a power-point presentation is required to provide the power-point in an electronic format to the Hearing Administrators at least three clear days prior to their scheduled hearing time. This is to ensure compatibility with the electronic system at the hearing venue. Where a file is too big to email, submitters should provide the material to the Hearings Administrator on a data stick.

Tabled lay submitter evidence

60. Where a submitter or their representative is unable to attend the hearing for a particular topic, they may choose to table lay submitter evidence in support of their submission. Submitters must provide any tabled evidence to the Hearings Administrator at least five working days prior to the hearing commencing.

Additional Evidence

61. Once the hearing is completed, the panel will not accept additional material, other than in exceptional circumstances which will require the approval of the Chairperson.
62. The purpose of making evidence available is to enable all parties to be aware of and understand the issues to be addressed at the hearing. This will contribute to a more efficient hearing process.

Legal submissions

63. A submitter's legal counsel may present legal submissions at a hearing. A submitter

must provide written legal submissions to the Hearing Administrators by 12 noon on the working day prior to the submitter's allocated speaking time. In addition, submitters must provide five copies of all legal submissions on the hearing day.

64. Legal submissions must provide an electronic link to all case-law referred to. Commissioners do not require hard copies of case-law – unless explicitly asked for on a case-by-case basis.

Site visits

65. The Hearing Panel intends to undertake site visits in order to better understand the site-specific context of the submissions that have been lodged. While the primary focus of site visits will be on locations where submitters have sought to be heard, site visits may include visits to land the subject of other submissions. In either case, where it is necessary for the Hearing Panel to access private land, a Council officer assisting the Panel (not one of the authors of the Council Officer Report or a Council expert) will contact the relevant submitter / landowner to arrange access.
66. If any submitter believes it would assist the Hearing Panel to undertake a site visit of their property, they are invited to contact the Hearing Administrator at latest by the deadline for submitter expert evidence in relation to the relevant hearing. Such requests should be accompanied by advice as to what in particular the submitter wants the Hearing Panel to look at and how it relates to the case the submitter is advancing (if that is not obvious).
67. It is important to appreciate that the purpose of a site visit is not to gather evidence, but rather to enable the Hearing Panel to better understand the evidence they will hear. Accordingly, site visits are not an opportunity for an informal discussion of issues on site. The Hearing Panel will make a decision as to whether a site visit is necessary. When on site, they will not enter into discussions on site about the merits of submissions, but they may ask the submitter / landowner to point out particular features on the site that are the subject of submission.

Hearing sessions and protocols

68. The Hearing Panel's intention is to manage a hearing process that is appropriate, fair, efficient and without unnecessary formality.

69. To this end, it is envisaged that the hearing will consist of:
- a) Opening karakia
 - b) Hearing Panel Chairperson's introduction and call for conflicts of interest;
 - c) Overview of the Council Officer Report by report writer(s) dealing solely with mechanical aspects of the proposed plan change and questions of clarification from the Hearing Panel;
 - d) Presentation of (expert and lay) evidence by submitters;
 - e) Hearing Panel questions following each submitter's presentation;
 - f) Council Officer Report writers and expert witnesses called by the Council on substantive matters (and Hearing Panel questions);
 - g) A closing karakia at the appropriate adjournment of hearing days; and
 - h) Reply by the Council Officer Report writer in relation to any changes to recommendations in light of submissions and evidence presented by submitters. The reply is to be in writing and lodged with the Hearing Administrators within ten working days of the adjournment of the hearing. The Hearings Administrators will load the written reply on the Council's website.

Speaking time restrictions / expectations

70. The Hearing Panel will take expert evidence as read. This is due to pre-circulation requirements and an undertaking from Commissioners that they will have read all pre-circulated evidence before the commences.
71. The Hearing Panel will provide all expert witnesses an opportunity to speak to a written summary of their evidence, covering the main points. Expert witnesses must provide five copies of any written summary at the time they present to a Hearing Panel.
72. Based on this approach, the Hearing Panel anticipate that the majority of expert

witnesses will, as a general rule, speak for no more than 10 minutes.

73. Notwithstanding the approach outlined above, the Hearing Panel wishes to make it clear they will provide all submitters the time they require (within reason) to adequately present their evidence and submissions. The main purpose behind pre-circulation is to minimise the time required for everyone to present at the hearing itself, but, at the same time, to ensure that everyone is able to fully participate in the hearing process. However, the Hearing Panel will not allow unnecessary repetition.

Formal records

74. All material including verbal evidence in response to questions presented to the Commissioners becomes hearing evidence.
75. An audio recording will be made of the hearing. The Hearing Panel may direct the Hearings Administrator to suspend digital recording for the presentation of sensitive information (under s42 of the RMA).

Procedural request from Kāinga Ora

76. Kāinga Ora (Submitter DPC56/206) at paragraphs 5-6 of its submission raised a procedural timing issue, stating:
 5. *Kāinga Ora also has an interest to ensure national and regional consistency in resource management documents across the Wellington Region. From reviewing the Wellington regional plan changes/reviews and associated s32 documentation, it has become apparent that there has been little time for Councils to align their thinking. Accordingly, Kāinga Ora submits that HCC should take the time to align PC56 with other regional planning documents ahead of the hearings for those documents.*
 6. *Kāinga Ora seeks that the hearing process for the PC56 follows that of Plan Change 1 (PC1) to the Wellington Regional Policy Statement so that consistency can be provided across the Wellington region and RMA s73 can be met which requires district plans to “give effect” to the Regional Policy Statement...*

77. We are aware that the same procedural request has been made by Kāinga Ora in their submission to the equivalent Kāpiti Coast District Council plan change process (Proposed Plan Change 2). We have assessed the KCDC Independent Hearings Panel's decision on this request (in their Minute 1) and for the same reasons that they have outlined (see below) decline this request. The reasons are:
- a) The scheme of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and purpose is to address housing supply promptly by increasing development capacity; and
 - b) To achieve (a) above, Parliament set a timetable for notification and directed the prompt appointment of the Panel so it would not serve the enactment's purpose for the Panel to delay its process;
 - c) The Intensification Streamlined Planning Process implements MDRS and Policy 3 NPS-UD that are specific, and any benefit by a regular cascade of planning instruments is likely to be found chiefly with implementing other elements in the NPS-UD.

Conclusion of the process

78. At the conclusion of the hearing, the Hearing Panel will make recommendations to the Council for its decisions.
79. The Council will consider the recommendations and determine the timing for the release of the decisions.
80. If the Council decides to reject any of the recommendations of the Hearing Panel, the rejected recommendations will be referred to the Minister for the Environment, who will make the final decision on those matters.

Signature

Stephen Daysh
Hearing Panel Chairperson

Hutt City Council Proposed Plan Change 56 Commissioners' Register of Interests as of 9 March 2023

Register of Work for Hutt City Council

| Commissioner | Register of Interests | | Chairperson's Management of any Actual or Perceived Conflict of Interest |
|---|------------------------|--|--|
| | Dates | Project/item | |
| Stephen Daysh (Partner, Mitchell Daysh Limited, Napier) | | No past work undertaken for Hutt City Council. | |
| David McMahon (Practice Manager and Director RMG Limited, Wellington) | March – July 2013 | Chair of the Independent Commissioner Panel for Council initiated Plan Change 25 - Introduction of a Tertiary Education Precinct | No conflict perceived. |
| | June to October 2020 | Chair of the Independent Commissioner Panel for private Plan Change 47 Major Gardens, Kelson – Rezoning to General Residential Activity and General Recreation Activity Area | No conflict perceived. |
| | August to October 2021 | Chair of the Independent Commissioner Panel for private Plan Change 53 190, 236 And 268 Stratton Street, Normandale – Rezoning to Rural Residential Activity Area | No conflict perceived. |

| | | | |
|---|----------------------------|---|-------------------------------|
| Liz Burge (Director, Burge Consulting - Resource Management Limited, Wairarapa) | June to October 2020 | Member of the Independent Commissioner Panel for private Plan Change 47 Major Gardens, Kelson – Rezoning to General Residential Activity and General Recreation Activity | No conflict perceived. |
| | August to October 2021 | Member of the Independent Commissioner Panel for private Plan Change 53 and 190, 236 And 268 Stratton Street, Normandale – Rezoning to Rural Residential Activity Area. | No conflict perceived. |
| | December 2020 – March 2021 | Member of the Independent Commissioner Panel for Resource consents (GWRC and HCC) for the construction of the Eastern Bays Shared Pathway along the seaward edge of Marine Drive, including reclamation of the Coastal Marine Area (CMA), disturbance and discharges to the CMA, demolition, construction and alteration of structures in the CMA, earthworks, and ongoing beach renourishment. | No conflict perceived. |
| | October 2021 – March 2022 | Member of the Independent Commissioner Panel for private Plan Change 54 Boulcott’s Farm Heritage Golf Club – Rezoning Part of the Site to General Residential Activity Area. | No conflict perceived. |

Relationships with Submitters

| Commissioner /Submitter | Nature of relationship with Commissioner | Chairperson’s Management of any Actual or Perceived Conflict of Interest |
|--|--|--|
| <p>Stephen Daysh GWRC</p> | <p>Peer Review of report for GWRC (in liaison with all Territorial Authorities in the Wellington Region), entitled "<i>Greater Wellington, Preparing Coastal Communities for Climate Change – Assessing Coastal Vulnerability to climate change, sea level rise and natural hazards, Mitchell Daysh Limited, June 2019.</i></p> | <p>No conflict perceived.</p> <p>Commissioner Daysh undertook a peer review of this report for readability. The modelling and associated mapping reported in the document was undertaken by Dr Ian Dawe of GWRC.</p> |
| <p>Stephen Daysh Rymans and Retirement Villages Association</p> | <p>Mitchell Daysh planners from Dunedin and Auckland are assisting Ryman and the Retirement Village Association with submissions and appearance at hearings for all Intensification streamlined planning processes across New Zealand.</p> <p>A Mitchell Daysh Planner will be presenting planning evidence at Plan Change 56 on behalf of Ryman and the Retirement Village Association.</p> <p>Commissioner Daysh was not involved in any way on the formulation of these submissions or preparation of evidence, and has never worked in any capacity for, or had any personal contact with Ryman or Retirement Village Association directors, staff or consultants (including Mitchell Daysh Consultants) regarding the interests of this submitter in Hutt City, or anywhere in New Zealand. As such a complete “Chinese wall” is in place around the interests of this submitter, and Commissioner Daysh.</p> | <p>Potential perceived conflict.</p> <p>Although Commissioner Daysh has not had any contact with or provided advice in any capacity to these submitters, this may be a “perceived conflict of interest” by some parties.</p> <p>This will be managed by Commissioner Daysh recusing himself and not sitting during the hearing of the Ryman and Retirement Village Association submission, nor deliberating on submissions relating to making a recommendation to Council on these submissions. That role will be undertaken solely by a quorum of Commissioners McMahan and Burge.</p> |
| <p>David McMahan</p> | <p>None known</p> | |

| | | |
|------------------|------------|--|
| Liz Burge | None known | |
|------------------|------------|--|