

**IN THE MATTER OF**

the Resource Management Act  
1991

**AND**

**IN THE MATTER OF**

Plan Change 47 – Natural Hazards  
- to change the Upper Hutt City  
District Plan under Schedule 1 of  
the Resource Management Act  
1991

## **MINUTE OF THE HEARING PANEL APPOINTED BY UPPER HUTT CITY COUNCIL**

### Introduction and Appointment

1. You have received this Minute as you are either a submitter or a Council officer involved in Plan Change 47 – Natural Hazards (PC47) to the Upper Hutt City District Plan.
2. The Upper Hutt City Council (the Council) has appointed Independent Hearing Commissioners Gina Sweetman (Chair), Rob Bell and Sarah Stevenson pursuant to section 34A of the Resource Management Act 1991 (RMA), to hear and make recommendations on submissions to PC47.
3. PC47 focuses on how the District Plan manages the risk of the Wellington Fault, Mangaroa Peatlands and Areas of High Slope Hazard. PC47 was notified for submissions on 5 October 2022.
4. The general function of this Minute is to set out some preliminary matters in preparation for the hearing. It covers:
  - (a) The hearing date and venue
  - (b) Pre-provision of evidence
  - (c) Hearing process and presentations
  - (d) Site visits
  - (e) Communication and questions
5. It is likely that we will issue additional minutes with further requests and instructions, before, during and /or after the hearing.

### Hearing date and venue

6. The hearing is scheduled to occur from **Monday 22 to Wednesday 24 April 2024** and will be held at Upper Hutt City Council. The hearing will commence at **9am on Monday 22 April 2024**. Formal notice of the hearing, including details of the venue, will be issued by the Council in due course.

#### Pre-provision of evidence

7. Section 41B of the RMA provides that the Hearings Panel may direct that certain evidence called by the applicant or submitters be provided to the Hearings Panel before the hearing. Section 42A of the RMA provides that the Hearings Panel may require a report on the matters to be considered be provided prior to the hearing.
8. We direct as follows:
  - (a) Pursuant to section 42A RMA, the section 42A report shall be made available on Council's web site by **4pm Wednesday 20 March 2024**. The report is to be in .pdf and Word document format.
  - (b) Pursuant to section 41B(3) and (4) RMA, all expert evidence to be given at the hearing on behalf of any submitter shall be provided to Council by **4pm Friday 5 April 2024**. The evidence is to be in .pdf and Word document format.
  - (c) Pursuant to section 41B(3) and (4) RMA, the Council may provide a written reply in response to any submitter expert evidence no later than **4pm Friday 12 April 2024**. The reply is to be in .pdf and Word document format.
  - (d) As soon as possible after any evidence received pursuant to the above Directions, the Council shall place the evidence on Council's website.
9. All expert evidence, including the section 42A report must be received within the timeframes set out above. Where a party seeks to deviate from the timeframes above, they are to seek leave from the Panel in advance, setting out the reasons for the request to deviate, how this may impact on hearing timeframes, and setting out any remedies for any impact. Expert evidence that is received outside of the set timeframes may not be accepted by the Panel, unless leave is granted.
10. All expert evidence, including the Council section 42A report, must be prepared in accordance with the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023.
11. We note that we may set out specific questions for the Council section 42A report author in advance of the hearing. If we do so, these questions will be made available to all parties to the hearing.
12. We request that any:
  - (a) Any legal submissions be provided no later than **4pm Wednesday 17 April 2024**.
  - (b) Procedural issues or matters relating to conflicts of interest be raised through the Hearing Administrator, no later than **4pm Wednesday 20 March 2024**.

## Hearing process and presentations

13. Appearing at a hearing may be a new experience for some submitters. Those who have not been involved in hearings under the RMA before may wish to look at the following guidance on the Ministry for the Environment website: <https://environment.govt.nz/publications/appearing-at-a-hearing-about-a-proposed-plan-or-resource-consent/>
14. Our preference is that the hearing is relatively informal. However, any hearing has an inherent degree of formality, and we outline how the hearing will be conducted below.
15. The key purpose of the hearing is to allow us to hear from and ask questions of the submitters and the Council, to help improve our understanding of what the key issues are that we need to consider and resolve.
16. Pursuant to section 41C(1) of the RMA, and in respect of evidence pre-circulated in accordance with these Directions, the hearing will be conducted in the following manner:
  - (a) The proceedings will begin with the Council section 42A report author providing an overview of PC47 and responding to any questions that the Panel has posed.
  - (b) Submitters will then present their case, supported by any counsel and expert witnesses they have engaged.
  - (c) The Council, including any expert witnesses, will then address the Hearings Panel, responding to any matters raised by the submitters.
  - (d) The Hearings Panel may set out further questions for the Council section 42A report author to respond to in a final Right of Reply Report, following the adjournment of the hearing. A date for this Report will be set following the adjournment of the hearing.
  - (e) Where a party has provided the pre-circulated expert evidence, they are to call the witness in person<sup>1</sup>, unless we provide prior notice to the party that this may not be necessary;
  - (f) The witness should proceed on the basis that the Hearings Panel has read the pre-circulated evidence in advance, however, may speak to the evidence or a written summary; and
  - (g) We may then question the witness. There is no ability for any other party to question a witness. Only the Hearings Panel can ask questions.
17. The purpose of these Directions is to provide the opportunity for all parties to the hearing to consider any technical evidence in advance of the hearing to assist all parties in understanding that evidence.

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<sup>1</sup> See paragraph 21 about online appearance

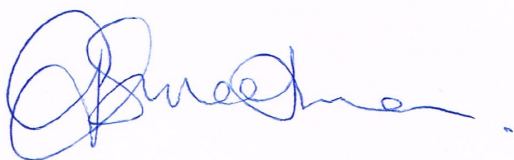
18. The Directions do not apply to evidence to be presented by submitters who are “non-experts”, or persons who do not provide expert evidence at these types of proceedings. They will have the opportunity to present written or oral evidence at the hearing in the normal manner. They do not need to pre-circulate their own statements or representations before the hearing commences. However, it is very helpful for the Hearings Panel if they can provide electronic copies of their statements or representations either in advance of their appearance or on the day, as we prefer to work “paperless”.
19. The general presumption is that submitters will have 15 minutes to present. If a submitter considers that they will require additional time, they are to provide reasons why additional time is required. Submitters will be contacted by the Hearing Administrator in advance of the hearing to schedule in when they will be appearing and whether they seek additional time to present. The Hearing Administrator will liaise with the Chair to confirm the scheduling of any additional time sought by a submitter.
20. Should any party wish to speak in Te Reo, utilise Sign Language, or utilise visual aids (PowerPoint, etc) they are requested to liaise directly with the Hearings Administrator, as soon as possible, but prior to **4pm Friday 12 April 2024** regarding their needs.
21. If any participant intends to attend the hearing remotely (e.g. by way of Zoom or MS Teams) then they must ensure that a copy of all written material that they will refer to or read from (including speaking notes) during their presentation is provided to the Hearings Administrator no later than **4:00 pm on Thursday 18 April 2024**

#### Site visits

22. The Hearings Panel will hold site visits as necessary. If any party has a desire for us to visit a particular site or locality, they should advise the Hearing Administrator no later than **4pm Friday 12 April 2024**.

#### Communication and questions

23. Any enquiries regarding these Directions or related matters should be directed to the Hearing Administrator, Hayley Boyd ([Hayley.Boyd@uhcc.govt.nz](mailto:Hayley.Boyd@uhcc.govt.nz)). No party is to directly contact any member of the Hearings Panel.



**Gina Sweetman**  
**Chairperson, on behalf of the Hearings Panel**  
28 February 2024