

UPPER HUTT CITY COUNCIL
PROPOSED (PRIVATE) PLAN CHANGE 40: WALLACEVILLE

MINUTE 2 OF HEARING COMMITTEE

Introduction

1. We are a Hearing Committee that has been appointed by the Upper Hutt City Council (“UHCC” or “the Council”) to hear and determine Proposed (Private) Plan Change 40 (“PC40”) to the Upper Hutt District Plan by Wallaceville Developments (“the Applicant”), including the submissions lodged on PC40.¹
2. This is our second minute on this matter and is a follow up to our Minute #1 dated 17 June 2015.
3. The general function of this minute is to provide some further guidance to the parties in relation to one of the five topics covered in our first minute; namely “Hearing Process and Presentations”.

Hearing Process/Presentations

4. In our first Minute we indicated that as the Applicant’s evidence is being distributed to all parties prior to the hearing, and will be read by us prior to the hearing commencing. It will not be necessary for a verbatim oral presentation of the Applicant’s written evidence at the proceedings. We also stated that this approach should extend to submitters and Council reporting officers also.
5. We are aware from Council administration staff that many submitters have already been in contact with the Officers and have indicated what witnesses they will be calling and how much time they will need for their presentation. We wish to record our appreciation of that. This will assist with scheduling the hearing. We merely point out to all parties that the schedule will be a guideline only as times for individual presentations could vary depending on the speed of the hearing but we will do our best to accommodate everyone.
6. We have also been alerted to a request from one submitter who has raised concerns regarding contamination on the site. Council Officers have advised that a particular submitter wishes to speak for a minimum of two hours at the hearing on Friday 10 July and that this presentation will be in part based on Government documents obtained on the topic. If we grant this timeframe it is likely that the hearing will not finish on Friday 10 July as planned. Currently the hearing is programmed to adjourn at midday on Friday but with a 2hr minimum presentation by this submitter it is highly likely that the hearing will need to be reconvened on the afternoon of Monday 13 July and will flow into Tuesday 14th for the presentations from Council Officers and the closing by the Applicant.
7. Whilst we are not averse to extending the hearing in this manner we do need to be absolutely assured that a presentation of such length is required. To this extent we would point out the following:

¹ Our powers are to issue a recommendation to the Council which can, in turn, decide to accept or not.

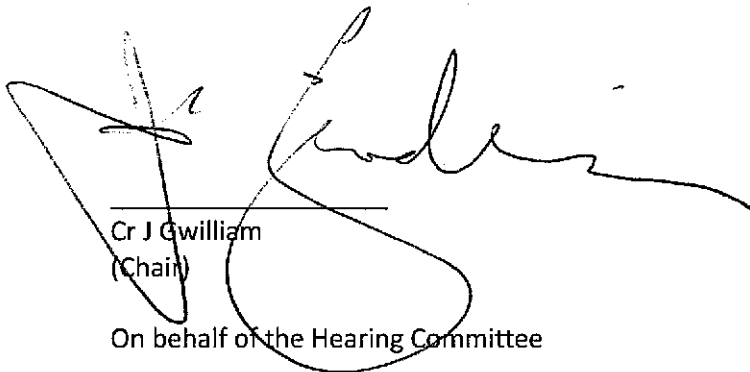
- (a) Land contamination is indeed a fundamental matter for the Committee to consider in relation to the zoning proposal and we accept that it very much a 'live' issue for submitters to raise.
 - (b) Expert evidence on this technical matter will be advanced at the hearing by both the Applicant and the Council. We will be scrutinising that information very carefully.
 - (c) Evidence by lay submitters will also be considered. Where that evidence includes material from third parties (such as reports), it will be difficult for the Committee to scrutinise that information without the ability to question the reports' authors.
8. Based on the above, we question the value in an individual submitter presentation merely tabling and talking to reports that we will be constrained in evaluating. Rather, we think it would be the best use of everyone's time if the submitter was able to meet directly with the contaminated land experts appearing for both the Applicant (Wallaceville Developments Ltd) and the Council to discuss the relevance of the material and the issues raised. Such an approach would greatly assist the Committee by narrowing down the issues in contention and ensuring that the hearing remains focused on the most significant issues with the plan change request.
9. We understand that whilst initial dialogue between submitter and the Applicant's expert has occurred, that this has not advanced and the material discussed is yet to be passed from the submitter to the Applicant. We merely encourage the submitter to undertake this if at all possible. The respective experts are:
- (a) For Wallaceville Developments Limited, David Robotham at EnGeo (DRobotham@engeo.co.nz or 021 433 039)
 - (b) For Council, David Bull at Golders Associates (DBull@golder.co.nz or 04 974 6397)
10. For the avoidance of doubt, and also for the assurance of the submitter concerned, we stress the following two matters:
- (a) Least it be thought otherwise, this is by no means an endeavour to preclude the submitter from exercising its right to be heard. Rather, this is solely to ensure an efficient and effective hearing and is in line with the approach we strongly endorsed to all parties on all issues in Minute 1 and we merely encourage it again in relation to this particular submission matter.
 - (b) This is not a direction; it is a firm encouragement. However, if we are to grant a two hour presentation slot for the submitter, we need to be assured that a genuine attempt has been made to narrow the issue and that the two hour presentation is necessary.
11. The directions we do make are:
- (a) For the Submitter – to advise as soon as possible and before 5pm on 3 July 2015 whether or not he is amenable to meeting with the Council and Applicant experts and will provide the information he has said will be made available to both the experts and the Committee.
 - (b) For the Applicant we note that 1 July 2015 was the nominated day for them to file their report on the outcomes of conferencing/discussions with submitters and

Council. Leave is given to them to file a second report early next week on the contamination issue if events transpire that this is necessary. Leave is also given to file a second joint statement by 5.00pm Monday 6 July should this be necessary.

Next Steps

12. As indicated by the proposed timetable in Minute 1 we now invite all parties, who haven't already done so, to:
 - (a) Provide a list of evidence authors / witnesses appearing on their behalf (and preferably a written statement of the evidence they are likely to give);
 - (b) Advise us of particular sites / localities associated with PC40 that they wish us to visit in advance of the hearing.
13. These responses are due on or before 3 July 2015.
14. If any party wishes to seek further clarification around the hearing process or the proposed timetable, please contact UHCC's Planning Technician, Ms Coralie Barker (ph. 04 527 2858 or email planning@uhcc.govt.nz) in the first instance.

DATED this 2nd day of July 2015



Cr J Gwilliam
(Chair)
On behalf of the Hearing Committee