

Private Proposed Plan Change 55 – Gabites Block, 1135 Maymorn Road, Upper Hutt

Rezoning from General Rural and Rural Production to Settlement Zone

Minute #1 of Independent Hearing Panel

This Minute is being sent to you because you are either the Requestor of the proposed plan change, a submitter on the plan change, or a reporting officer on the above plan change.

The purpose of this Minute is to set out some preliminary matters in preparation for the hearing, which is to be held in October 2022 to establish some procedures to facilitate a smooth and effective pre-hearing and hearing process for all parties.

Please note that all parties will be formally advised directly by the Council hearing administrator of the hearing date and venue by letter.

1 Appointment of Independent Hearing Panel

Pursuant to section 34A of the Resource Management Act 1991, the Upper Hutt City Council (UHCC) has appointed an Independent Hearing Panel to hear submissions and make a recommended decision on a privately requested plan change to rezone 74.5ha of land at 1135 Maymorn Road, known as the Gabites Block, from General Rural and Rural Production to Settlement Zone to enable low density and rural residential development on the property. The plan change was requested by Maymorn Developments Limited ('the Requestor').

The Panel has been delegated with the authority to –

- Hear submissions in relation to Plan Change 55, and to make recommendations to the Council on the Plan Change and submissions
- Determine matters arising under Section 37 and 37A relating to time limits or to waive compliance with requirements, and
- Make an order protecting sensitive information under Section 42.

The Hearing Panel comprises three external commissioners, all accredited as hearing commissioners under the Resource Management Act:

- Robert Schofield (Chair)
- Harriet Fraser
- Rawiri Faulkner

2 Date and Venue of Hearing

A hearing has been scheduled to determine the resource consent application for the above site:

Location:	Derby Room, Trentham Racecourse 10 Racecourse Road Trentham Upper Hutt 5018
Date:	Monday 17 th October 2022

Tuesday 18th October 2022

Thursday 20th October 2022

Time: 9.00am start

[Note: there will be no hearing on Wednesday 19th October]

A formal Notice of Hearing will be issued at least 20 working days before the Hearing.

3 Submission of Expert Evidence

Pursuant to Sections 41B and 42A of the RMA, we direct that evidence be pre-circulated in accordance with the following timeframes as generally set out in the Act:

a) Council Report and Evidence

The Council's Section 42A Report and any expert evidence called by UHCC will be made available a minimum of 15 working days prior to the start of the hearing being midday **Friday 23rd September 2022**; and

b) Requestor's Expert Evidence

The Requestor's expert evidence any expert evidence to be called by submitters must be made available at least 10 working days before the start of the hearing being midday on **Friday 30th September 2022**.

c) Submitter's Expert Evidence

A person who has made a submission and who is intending to call expert evidence must make that evidence available at least 5 working days before the start of the hearing being midday on **Friday 7th October 2022**.

To clarify, submitters do not need to pre-circulate any non-expert presentation material they wish to speak to at the hearing. The above circulation requirements only apply to any expert evidence submitters wish to call. If submitters prepare written notes or statements to use at the hearing, the Panel would appreciate hard copies.

Any legal submissions by counsel for the parties can be made at the hearing and are not subject to pre-circulation.

For any questions of clarification about professional expertise and the code of conduct for expert witnesses, please contact the UHCC Hearing Administrator in the first instance.

4 The Hearing

We appreciate that a hearing of this nature may be a new experience for some submitters, so we will briefly provide some information about the hearing for context.

First, we encourage all submitters to refer to the useful guides about the designation process and hearings available from the Ministry for the Environment website. In particular, 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/>

While the hearing is a semi-judicial process, it will be conducted as informally as possible, consistent with the procedures specified in the RMA. However, a degree of formality is inherent in hearings of this nature, and we will speak to that at the outset of the hearing when it commences.

More substantively, the hearing enables us to hear the issues raised in submissions in greater detail, and to be able to ask questions to improve our understanding of those issues. Accordingly, all parties will have a fair and reasonable opportunity to present their submissions.

As a rule of thumb, each party should target their presentation at the hearing to be 15-20 minutes or so (a page of text takes about 3 minutes to read aloud). This limit is less a rigid requirement than it is a rough indication, and all parties appearing will be given sufficient time to present their views.

Experts are asked to summarise the key points in their evidence, as the Panel will have read their full evidence.

Closer to the hearing, the UHCC Hearing Administrator will contact all parties to determine whether they still wish to appear at the hearing and if so will request an indication from those parties as to the amount of time they require for their presentation so that the UHCC hearings Administrator can make the necessary arrangements.

The Hearing will be conducted in the following order:

- Following introductory proceedings, the Council's reporting planner will be asked whether there have been any corrections or amendments since their report was circulated
- The Requestor will then have the opportunity to present evidence and submissions in support of the plan change, to which the Panel may ask questions
- The submitters will then have an opportunity to address the Hearing Panel, who may ask questions of each submitter
- The Council's reporting planner will then have the opportunity to respond to any matters arising during the hearing, and to amend or make additional recommendations
- Finally, the Requestor will then have a right-of-reply, which may be either verbal or written (or both) – any written right-of-reply will be circulated to all parties subsequent to the adjournment of the hearing.

In terms of evidence, the following procedure shall apply:

- While the section 42A report and all pre-circulated expert evidence will be taken as read, as well as the plan change and associated information, and submissions, the parties will be given an opportunity at the Hearing to draw to the Panel's attention to the key points in their briefs of evidence or submission
- No new expert evidence shall be introduced at the Hearing, 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, to whom the Commissioner may then question.

5 Hearing Format and Covid-19 Requirements

The Hearing shall be held in a 'hybrid format': that is, partly in person, and partly virtually through the use of Zoom. In particular, if you are sick at the time of the Hearing, but still wish to participate via Zoom, you may do so by advising the UHCC Hearings Administrator as soon as possible.

In regard to Covid-19, if attending in person, please wear a mask and sign in sheet at room entrance.

6 Site visit

The Panel will undertake a site visit prior to the hearing, which will be unaccompanied by any party to these proceedings. A further site visit during or after the hearing may occur should it appear necessary.

7 Correspondence

Any correspondence should be directed through Hayley Boyd via planning@uhcc.govt.nz

A Hearing Coordinator from the Council will be in touch with all parties who wish to present at the hearing to ascertain times for their presentations.

Dated 23rd August 2022



Robert Schofield
Chair, Independent Hearing Panel