

ROTOKAURI STRATEGIC INFRASTRUCTURE CORRIDOR
NOTICE OF REQUIREMENT BY THE HAMILTON CITY COUNCIL

DIRECTION #1

INDEPENDENT HEARING PANEL

PURPOSE

1. The purpose of Direction #1 is to set out directions for the hearing of submissions on the Notice of Requirement and, in particular:
 - a. to address the Requiring Authority's (**RA**) request to strike out two submissions; and
 - b. to set out a timetable for evidence exchange.

PRELIMINARIES

2. Under section 34A of the Resource Management Act 1991 (RMA), Hamilton City Council (Council) has delegated to an Independent Hearing Panel (the Panel) comprising David Hill (Chair) and Mark Tamura, hearings commissioners, the hearing of submissions and making recommendations on Council's Notice of Requirement for the Rotokauri Infrastructure Corridor (**the NOR**).
3. The NOR was publicly notified on 7 October 2024; submissions closed on 8 November 2024; and 18 submissions were received.
4. The hearing is scheduled to commence on 6 October 2025 – 9 October 2025 (as required).

STRIKE OUT

5. By Memorandum of Counsel dated 6 May 2025 (**the Memorandum**), Council as the RA has challenged the relevance of two submissions – that from Narinderpal Sagoo (submission 18) and Brian Alcock (submission 12) and recommended strike-out under s.41D(b) – *“it discloses no reasonable or relevant case”* – unless the submitters refine the relief sought.
6. Having considered the Memorandum and reviewed the identified submissions, the Panel agrees that, on their face, those do not appear to be relevant to the matter at hand. Furthermore, we agree that the submitters should be afforded the opportunity to explain why they believe their submission to be relevant to this NOR and to clarify the relief they are seeking.
7. We direct accordingly. We will then determine whether the use of the s.41D power is appropriate in either case.

EXCHANGE OF EVIDENCE

8. The Memorandum also proposes a timetable for the exchange of reports, evidence and submissions / lay presentations as follows:
 - a. Council is to lodge a planning report pursuant to s.42A of the RMA with the

Hearing Administrator by **4pm, Friday, 30 May 2025**.

- b. Council as RA is to lodge its expert evidence-in-chief with the Hearing Administrator by **4pm, Friday, 27 June 2025**.
 - c. Any submitters intending to present expert evidence at the hearing are to lodge their expert evidence-in-chief with the Hearing Administrator by **4pm, Friday, 25 July 2025**.
 - d. Any rebuttal evidence is to be lodged with the Hearing Administrator by **4pm, Friday, 15 August 2025**.
 - e. If the Panel directs expert conferencing to occur on any particular topic, it will be scheduled in the **week of 25 August 2025**.
 - f. Any parties intending to present opening legal submissions at the hearing are to lodge their opening legal submissions with the Hearing Administrator by **4pm, Friday, 26 September 2025**.
 - g. While written lay presentations are not required to be exchanged in advance of the hearing, the Panel strongly encourages pre-circulation of any written lay presentations at least three days in advance of appearing to avoid the need to read written material verbatim at the hearing.
9. For the avoidance of doubt “*expert evidence*” is in accordance with sections 8 and 9 of the Environment Court’s Practice Note 2023.
10. Having reviewed that recommendation, we agree that those dates provide sufficient time for parties to respond and prepare for the hearing, and adopt them.
11. The Hearing Administrator will advise all parties when any of the material required by the above directions are available and post them on Council’s website.

HEARING PROTOCOL

12. Unless otherwise advised by the Panel, witnesses will not be required to read their pre-circulated evidence in full at the hearing. Instead, a written summary should be prepared to be read and may include any evidence prepared in rebuttal – noting that rebuttal is not an opportunity to advance novel material nor to repeat points already made in primary evidence.

DIRECTIONS

13. Accordingly, the Panel directs as follows:
- a. Submitters 18 (Narinderpal Sagoo) and 12 (Brian Alcock) are to provide written responses through the Hearing Administrator to the matters discussed at paragraph [6] above no later than **4pm, Friday 23 May 2025**. The Panel will then determine whether to apply the s.41D strike-out. If no response is received then the particular submission will be deemed to be struck out for the reason stated in the Memorandum.
 - b. The timetable for the exchange of reports, evidence and submissions / representations is confirmed as per paragraph [8] above.

COMMUNICATIONS TO THE HEARING PANEL

14. All communications to the Panel, including all general enquiries, procedural requests and documents required by any direction of the Panel, are to be emailed to the Hearing Administrator at planchange@hcc.govt.nz.

A handwritten signature in black ink, appearing to read 'David Hill', with a large, sweeping initial 'D'.

David Hill (Chairperson)
Independent Hearing Panel

9 May 2025