

HEARING OF PLAN CHANGE 5 BY THE HAMILTON CITY COUNCIL

PEACOCKE STRUCTURE PLAN

DIRECTION #1

INDEPENDENT HEARING PANEL

PRELIMINARIES

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), Vicki Morrison-Shaw, Nigel Mark-Brown and Ewan Wilson, hearings commissioners, the hearing of submissions and decisions on proposed Plan Change 5 – Peacocke Structure Plan (PC5).

PC5 was publicly notified on 24 September 2021, submissions closed on 05 November 2021 and further submissions closed on 16 March 2022.

The purpose of Direction #1 is to set out the timetable and related matters for the hearing, which is scheduled to commence 9am on **Monday 26 September 2022**. The hearing will be held in the Civic Reception Lounge, Ground Floor, Garden Place, Hamilton (unless a change in the Covid-19 Protection Framework (traffic light) status necessitates the use of a remote access facility (i.e. virtual hearing)).

HEARING PLAN

A Hearing Plan will be emailed to submitters and posted to the website showing the date, sequence and time allocation granted to each submitter.

EXCHANGE OF EVIDENCE

Section 41B of the RMA sets out the minimum timeframes for the exchange and circulation of written briefs of evidence (for plans and plan changes) prior to the commencement of the hearing.

The Panel therefore makes the following directions consistent with the powers provided under this section of the RMA:

1. All parties intending to present expert evidence (as that term is defined in section 7 of the Environment Court's Practice Note 2014) must advise the hearing administrator, Mr Rice (see below) of the **names, professional expertise and the technical area** on which evidence is to be given no later than 4pm, **Friday 5 August 2022**. The Hearing Panel will then consider any **recommendations** from the parties (and which should be made in writing at the same time) regarding the advisability of directing **expert conferencing** on specific topic areas in order to narrow the range of matters to be heard and considered. Should expert conferencing be directed, that is likely to be required during the week starting **Monday 15 August 2022** in order that any resultant Joint Witness Statements are available prior to the release of Council's s42A report.
2. The Council's **section 42A report** and supporting statements of evidence from experts is to be made available to all parties involved in the hearing at least 15 working days prior to, and no later than **4pm, Friday 2 September 2022**;

3. A **submitter intending to present expert evidence** at the hearing is to provide written statements of this evidence by, and no later than, **4pm, Friday 16 September 2022**;
4. While legal submissions and any lay representations are not required to be exchanged in advance of appearing, the Hearing Panel strongly encourages pre-circulation of these at least 3 days in advance to avoid the need to read those aloud at the hearing.

Council will carry out the necessary administration tasks to inform all parties of this in accordance with this Direction.

HEARING PROTOCOL

Unless otherwise advised by the Panel, witnesses will not be required to read their pre-circulated evidence in full. 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.

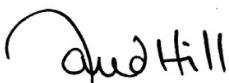
In the meantime, the parties are encouraged to meet with a view to resolving matters ahead of the hearing.

If parties intend to present evidence or submissions in Te Reo Māori, the Hearing Administrator must be advised no later than 1 September so that appropriate translation services can be arranged. That is not necessary if Te Reo is solely for formal opening or closing of the presentation.

SITE VISIT

The Panel will advise arrangements for undertaking a site visit(s) in due course closer to the time of hearing and in light of submissions and evidence received.

All material required by this Direction shall be sent through the Hearing Administrator, Mr Steve Rice: steve@riceres.co.nz to be placed as soon as practicable on Council's website and all parties advised accordingly.



David Hill (Chairperson)
Independent Hearing Panel

4 July 2022