

HEARING OF PLAN CHANGE 9 BY THE HAMILTON CITY COUNCIL

HISTORIC HERITAGE AND NATURAL ENVIRONMENTS

DIRECTION #1

INDEPENDENT HEARING PANEL

PRELIMINARIES

1. 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), Dave Serjeant, Vicki Morrison-Shaw, and Cr Ewan Wilson, the hearing of submissions and decisions on proposed Plan Change 9 – Historic Heritage and Natural Environments (PC9).
2. PC9 was publicly notified on 22 July 2022, submissions closed on 2 September 2022 and further submissions closed on 18 November 2022.

PURPOSE

3. The purpose of Direction #1 is to set out the directions for the hearing of PC9 Session 1: Historic Heritage Areas, Significant Natural Areas, and Notable Trees and, in particular, to establish a timetable for evidence exchange.
4. The hearing for PC9 is to be scheduled in two sessions as follows:
 - **Session 1: Historic Heritage Areas, Significant Natural Areas, and Notable Trees** – Monday 22 May to Wednesday 7 June 2023.
 - **Session 2: Built Heritage, Archaeological Sites** – Monday 6 November to Friday 10 November 2023.
5. The hearing for **Session 1: Historic Heritage Areas, Significant Natural Areas, and Notable Trees** is scheduled to commence at **9am** on **Monday 22 May 2023**. The hearing will be held in the Council 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)).
6. Further directions will be issued on a later date establishing an evidence timetable for the hearing of PC9 Session 2: Built Heritage and Archaeological Sites.

HEARING PLAN

7. A Session 1 Hearing Plan will be emailed to submitters and posted to the website showing the date, sequence and time allocation granted to each submitter that wishes to be heard.

EXCHANGE OF EVIDENCE: Session 1: Historic Heritage Areas, Significant Natural Areas, and Notable Trees

8. 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.

9. The Panel therefore makes the following directions for Session 1 consistent with the powers provided under this section of the RMA:

- a) The Council is to prepare a Themes and Issues Report that outlines the key themes and issues raised in submissions relevant to the Session 1 topics and append any supporting technical reports. The Council must lodge that report with the Hearing Administrator by **4pm, Friday 3 March 2023**. That report is to be uploaded to the Council's PC9 webpage that same day.
- b) Expert conferencing for Session 1 is to commence in the week of **13 March 2023**. Unless otherwise directed, conferencing is to be scheduled for the following expert witnesses:
 - i. Heritage;
 - ii. Ecology;
 - iii. Arboriculture; and
 - iv. Planning.

A separate direction from the Panel will be issued on a later date dealing with expert conferencing arrangements.

- c) The Council is to prepare a Session 1 Planning Report that reviews the Themes and Issues Report, the submissions lodged, and conferencing outputs, and makes recommendations on the decisions sought by submitters. The Council must lodge that report with the Hearing Administrator by **4pm, Thursday 6 April 2023**. That report is to be uploaded to the Council's PC9 webpage that same day.
- d) The Council is to lodge its expert evidence-in-chief with the Hearing Administrator by **4pm, Friday 14 April 2023**. That evidence is to be uploaded to the Council's PC9 webpage that same day.
- e) 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 28 April 2023**. That evidence is to be uploaded to the Council's PC9 webpage that same day.
- f) Any rebuttal evidence from the Council is to be lodged with the Hearing Administrator by **4pm, Friday 12 May 2023**. That evidence is to be uploaded to the Council's PC9 webpage that same day.
- g) Any parties intending to present opening legal submissions at the hearing are to file their opening legal submissions with the Hearing Administrator by **4pm, Wednesday 17 May 2023**. Those opening legal submissions are to be uploaded to the Council's PC9 webpage that same day. The Panel will accept supplementary legal submissions on the day of appearance at the hearing addressing any legal matters arising after filing.
- h) 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 3 days** in advance of appearing to avoid the need to read

written material verbatim at the hearing. Any such material is to be uploaded to the Council's PC9 webpage the same day that it is filed.

10. The Hearing Administrator will advise all parties when any of the material required by the above directions are available.

HEARING PROTOCOL

11. 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. On the day of the hearing and prior to their presentation to the Panel, witnesses are requested to hand to the Hearings Coordinator, 10 hard copies of their written summaries.
12. In the meantime, parties are encouraged to meet with a view to resolving matters ahead of the hearing.
13. If parties intend to present evidence or submissions in Te Reo Māori, the Hearing Administrator must be advised no later than **1 May 2023** 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


14. 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).

COMMUNICATIONS TO THE HEARING PANEL

15. 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, Mr Steve Rice:

Email: steve@riceres.co.nz

Postal Address: 260 Anglesea Street, Council Building,
Hamilton City Council
Attn: City Planning
Private Bag 3010 Hamilton 3240
Phone: 07 838 6699



David Hill (Chairperson)
Independent Hearing Panel

2 December 2022