

**BEFORE THE INDEPENDENT HEARING PANEL
APPOINTED BY THE HAMILTON CITY COUNCIL**

IN THE MATTER of the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of hearing submissions on Plan Change 9 to the Hamilton
City District Plan

BETWEEN **THE ADARE COMPANY LIMITED**

Submitter #33

AND **HAMILTON CITY COUNCIL**

Local Authority

**MEMORANDUM OF COUNSEL FOR THE ADARE COMPANY LIMITED
REGARDING EVIDENCE EXCHANGE TIMETABLE**

5 April 2023

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MAY IT PLEASE THE HEARING PANEL

- 1 On 2 December 2022, the Independent Hearing Panel (**Panel**) for Plan Change 9 to the Hamilton City District Plan (**PC9**) issued Direction #1. This set directions for the hearing of PC9 and established a timetable for the exchange of evidence (**Timetable**).
- 2 It has recently come to Counsel's attention that the Timetable does not afford submitters an opportunity to file rebuttal evidence. It provides:
 - (a) Council's expert evidence-in-chief is due 14 April 2023.¹
 - (b) Submitter expert evidence is due 28 April 2023.²
 - (c) Council's rebuttal evidence is due 12 May 2023.³
 - (d) Parties are to file opening legal submissions by 17 May 2023.⁴
- 3 In the interests of fairness and efficiency, Counsel submits that submitters should also be afforded the opportunity to file written rebuttal evidence on 12 May 2023. The reasons for this are as follows:
 - (a) Submitters may wish to file evidence responding to the evidence-in-chief of other submitters, not just the Council.
 - (b) The alternative would be for submitters to either attempt to anticipate the evidence that may be filed by other submitters and address those issues in their evidence-in-chief, or for rebuttal to be presented orally at the hearing. Neither approach would promote a fair and efficient hearing.
 - (c) Allowing submitters to file rebuttal evidence will enable an efficient hearing, both as a result of issues narrowing through rebuttal, as well as enabling pre-reading of rebuttal.
 - (d) Similar directions have been made for other recent Hamilton City District Plan Changes, including Plan Change 5 and Plan Change 12.

¹ Direction #1, at [9] (d).

² Direction #1, at [9](e).

³ Direction #1, at [9] (f).

⁴ Direction #1, at [9] (g).

4 Accordingly, Adare respectfully seeks that the Timetable⁵ be amended as follows:

- f) Any rebuttal evidence from the Council or submitters 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.

Dated this 5th day of April 2023



M J Doesburg

Counsel for The Adare Company Limited

⁵ At paragraph [9](f) of Direction #1.