

Hamilton City Council

Variation 1 – Ruakura - to the Hamilton City Council Proposed District Plan

SECOND MINUTE AND DIRECTIONS OF HEARING COMMISSIONERS

REVISED TIMETABLE

INTRODUCTION

Under section 34A of the Resource Management Act 1991 (“**the Act**”), the Hamilton City Council (“**the Council**”) appointed hearing commissioners with the delegated authority to hear and decide Variation 1 – Ruakura - to the Hamilton City Council Proposed District Plan (“**Variation 1**”).

The hearing commissioners are:

Dr Phil Mitchell; and

Mrs Dorothy Wakeling

The Council has requested that the various deadlines and hearing dates set out in our First Minute of 26 April 2016 be extended due to staff timing conflicts. We are mindful of the need for timeliness and efficiency, but accept the practical realities that exist and the need for the various dates to be extended.

Accordingly, this Second Minute replaces our First Minute in its entirety.

Please also note paragraph 9 below, which explains that we intend to **hear the submissions and evidence of each party as a single integrated package and we will not be conducting the hearing on a topic by topic basis.**

DIRECTIONS

1. This minute sets out the panel’s revised directions for the conduct of the public hearing.

Website

2. All information relevant to the hearings will be made available on the Council’s website:

<http://www.hamilton.govt.nz/our-council/council-publications/districtplans/proposeddistrictplan/Pages/Ruakura-Variation.aspx>

Submitters who are to be heard will need to check the website to access such information.

Service on the Council

3. Any information or evidence required under this minute, and any memorandum or application to the panel, may be served:

- In writing, addressed to Hamilton City Council, c/- Rice Resources Ltd, PO Box 431, Waikato Mail Centre, HAMILTON 3240 marked for the attention of the Hearings Officer, Steve Rice.
- By delivery to Hamilton City Council Office - Municipal Building, Garden Place, Hamilton
- By email to steve@riceres.co.nz

Section 42A Reports

4. All section 42A reports will be made available on the Council website on **Friday 8 July 2016**. This will include all the technical information on which the Council has relied in preparing and progressing Variation 1.

Confirmation of wish to be heard

5. Submitters who wish to be heard at the public hearing must confirm their intention and availability no later than **15 July 2016**, and advise Mr Rice:
 - The time allocation they seek to speak to their submission and/or call evidence (having regard to paragraph 15 below).
 - Whether they have any special needs.
 - Whether they intend to call expert evidence (including any planning witness).

Site Visit

6. The hearing commissioners propose to visit the locality generally affected by Variation 1 prior to the hearing. The purpose of the site visit is to enable the hearing commissioners to better understand the evidence that will be presented. The commissioners will be accompanied by Mr Rice.
7. Should any party wish to draw to the attention of the hearing commissioners any particular sites or localities they think the panel should specifically visit then they should do so in writing (with an accompanying map if necessary) before **Friday 15 July 2016**. Any such material should be sent to Mr Rice.

The Public Hearings

8. The public hearings will commence at **9.30 am on Wednesday 3 August 2016** at a venue in Hamilton that will be confirmed shortly and continue from 9:00 am on successive working days until the hearing of submissions and evidence has been concluded.

There will be no hearing on Friday 12 August 2016 and at this stage we anticipate the hearing to conclude no later than Wednesday 17 August 2016.

9. We intend to hear the submissions and evidence of each party as a single integrated package and we will not be conducting the hearing on a topic by topic basis.

A Hearing Plan

10. A Hearing Plan will be e-mailed to submitters and posted to the website showing the date, sequence and time allocation granted to each submitter.
11. Time allocations will be set in light of the content of each submitter's submission, evidence (if any), the time estimate provided pursuant to paragraph 5, and the requirements of paragraph 15.

Provision of Expert Evidence

12. Any submitter who intends to call expert evidence must provide a brief of evidence for each witness by **5pm on Friday 15 July 2016**.
13. Any rebuttal evidence the Council wishes to call must be provided by **5pm on Friday 22 July 2016**.

This timetable is established because the panel considers that the scale and significance of the public hearing makes this requirement appropriate in order to provide adequate time for all parties and the Hearing Panel to consider the issues.

14. All briefs of expert evidence will be made available to submitters on the website.

Provision of Other Evidence at Hearing

15. Any person who wishes to present evidence or material at the hearing in support of their submission and who is not an expert may do so by booking a time with the hearings manager, Mr Rice. Any person bringing evidence that has not been pre-circulated must provide 10 copies for the exclusive use of the Hearing Panel and Council. The 10 copies must be made available to the hearing manager on the day the evidence or material is to be presented.

The Hearing Procedure

16. The panel is required to conduct the public hearing in a manner which is appropriate and fair, but without unnecessary formality. Subject to adequate notice, it will receive evidence written or spoken in te reo Maori and accommodate disabilities which affect submitters.
17. The panel will read submissions, the section 42A reports and expert evidence in advance and take such materials as read, so time allocations will be fixed to enable submitters to speak to their submission and/or provide evidence in response to new issues.

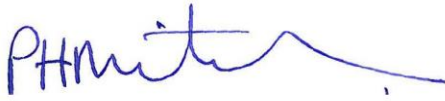
For the avoidance of doubt, expert evidence, including from Council witnesses presenting the s 42A reports, is not to be read verbatim and a 10 – 15 minute "highlights package", aided by a Power Point presentation, is expected.

18. There is no right to cross-examine, but the panel is likely to question submitters and witnesses for clarification.

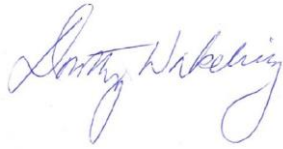
Evidence Recording

19. An audio record of the hearing will be maintained and available to submitters on the Council's website.

20. Excerpts from the audio record may be transcribed, if appropriate, where the panel requires it or receives an application and makes a direction for transcription.



P H MITCHELL



D WAKELING

12 May 2016