

HAMILTON CITY COUNCIL

HEARING OF RESOURCE CONSENT APPLICATION BY THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS TRUST BOARD

DIRECTIONS OF COMMISSIONER HEARING PANEL: No.1

Publicly Notified Application:

This resource consent application is for the demolition of the Block Plant building, which is a B- Ranked Historic Heritage item in the Operative District Plan. The demolition of a B-Ranked item is a Discretionary Activity pursuant to Rule 19.3 i) of the Operative District Plan. In addition to the above application, the applicant has applied for a Change of Conditions to the CDP2 consent to authorise the removal of the Block Plant. This consent has since been withdrawn until such time as a decision is made on the current resource consent.

The resource consent application states that the cleared site will be re-purposed for residential development and associated infrastructure, including roading. It is further proposed that a memorial plinth be erected in the vicinity of the Block Plant for the purpose of memorialising the form and function of the Block Plant building. The plinth will direct visitors to the nearby Museum where detailed records of the Block Plant are held. In addition, the applicant proposes to include memorial items associated with the Block Plant as part of the proposed rose garden memorial to be developed immediately north of the Mendenhall Building.

We (Richard Knott and Bill Wasley) have been appointed as Independent Hearing Commissioners by the Hamilton City Council (Council) to hear and determine the above application. Council has identified a date that the hearing will commence on **Thursday 24 September 2020**. At this stage the hearing will take place on 24 September 2020 with 25 September as a reserve day if needed. The Commissioners have endorsed this date and Council will in due course issue a formal notice of hearing including details of the venue.

Having reviewed the application documentation and submissions, we have decided to issue directions pursuant to our powers under the Resource Management Act 1991 (RMA) to ensure an efficient and effective hearing process. Sections s41B and 41C enable Commissioner to direct that briefs of evidence be provided prior to the hearing, and that the order of business at the hearing may also be directed.

Accordingly, I make the following directions:

Exchange of Expert Evidence

1. Pursuant to RMA s42A (1) & (3) and s103B (2), that the Council's (Planning Guidance Unit) section 42A report be provided to The Church of Jesus Christ of Latter-Day Saints Trust Board (the Applicant) and submitters by opening of business on **3 September 2020**.¹

¹The Hamilton City Council (*Planning Guidance Unit*) will make the s42A report and all evidence available on the Council website. A physical copy can be made available upon request. .

2. Pursuant to RMA s41B (1) & (2), that The Church of Jesus Christ of Latter-Day Saints Trust Board expert² evidence in chief be provided to the Hamilton City Council (Planning Guidance Unit) by no later than 5pm on **9 September 2019**. The Hamilton City Council (Planning Guidance Unit) shall make available to all parties to these proceedings a copy of The Church of Jesus Christ of Latter-Day Saints Trust Board expert evidence in chief by opening of business on **10 September 2020**.
3. Pursuant to RMA s41B (3) & (4), any submitter who intends to present expert evidence (generally being evidence given by a professional with specialist qualifications and experience) is to provide a written brief of that evidence to Hamilton City Council (Planning Guidance Unit) by no later than 5pm on **16 September 2020**. The Hamilton City Council (Planning Guidance Unit) shall make available to all parties to these proceedings a copy of the submitter's expert evidence by opening of business on **17 September 2020**.
4. Pursuant to RMA s41B (1) & (2), that if The Church of Jesus Christ of Latter-Day Saints Trust Board intends to present evidence in rebuttal of the section 42A report or any pre-circulated submitter evidence, then a written brief of that rebuttal evidence is to be presented by the witness as part of the hearings process.

Hearing Procedure

5. The hearing will be conducted in the following manner:
 - I will first hear from the applicant, who will call each of their expert witnesses who have pre-circulated evidence in turn, unless attendance in person has been waived. Once all experts for the applicant have been heard I will hear from submitters and their experts (if any experts have pre-circulated evidence on behalf of submitters).
 - In each case, the witness will be introduced and asked to confirm his or her qualifications and experience.
 - The witness will not be required to present their pre-circulated evidence in full. Rather, the witness will present a written summary of their evidence as well as present any supplementary and/or rebuttal evidence (verbally or in writing) not contained in the pre-circulated evidence. Any supplementary evidence should not repeat matters already covered in the pre-circulated evidence.
 - I have no legal power to direct lay (non-expert) witnesses to pre-circulate their evidence. However, submitters and lay witnesses are welcome to pre-circulate their evidence in accordance with the above directions. If they do, the evidence will be pre-read and will be dealt with in the manner outlined above.
 - After I have heard from the applicant and their witnesses, and from submitters and their witnesses, the applicant will have an opportunity to reply to what they have heard.
6. Council shall liaise with The Church of Jesus Christ of Latter-Day Saints Trust Board and all submitters who intend to present evidence to establish an approximate hearing timetable and order of witnesses prior to the hearing.

²The term 'expert' means a person recognised as an expert in his or her field due to relevant qualifications and/or experience. An expert witness must exercise independent and professional judgement and must not act on instructions or directions of any person.

7. In respect of any expert witnesses not being called by the applicant and where they have provided technical reports to the applicant, I request that a summary statement be presented at the hearing outlining any matters and conclusions reached having considered the section 42A report and any submitter expert evidence.

Dated this 1st day of September 2020.



Richard Knott
Independent Commissioner Chair, on behalf of the Hearing Panel