

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.2

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 This consent has since been withdrawn until such time as a decision is made on the current resource consent.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.

Direction 1 was issued on the 1st September 2020, setting out the date of the hearing and dates for the exchange of evidence. Following their receipt of the Council's s42A report the Applicant asked for deferment of the hearing so that matters raised by the Council in the s42A report could be considered. This was raised in the memorandum from the Applicant's legal counsel, Mr Nolan and Mr Cameron, dated 7th September 2020. Within that memorandum Applicant's Counsel put forward suggested new dates for the exchange of evidence, we understood based on a hearing date of on or after the 16th November 2020.

A new hearing date has been set; the hearing will now commence on **Thursday 03 December 2020**, with Friday 04 December 2020 as a reserve day if needed.

Notwithstanding this later hearing date the Applicant's legal counsel have requested that the exchange of evidence take place in line with their previous recommendation; Council's supplementary s42A report being provided on the 19th October 2020, Applicant's expert evidence 2nd November and any expert evidence for submitters due 9th November. By way of an email dated 14th October 2020, the applicant's Counsel have also indicated that they would be happy for the alternative dates of s42A report due 27th October, Applicants expert evidence due 9th November and and expert evidence for submitters due 16th November. We understand that these suggested dates are based upon the availability of some of the applicant's experts to prepare evidence.

All of the suggested dates are well ahead of the timescales set in s41B. Whilst the earlier provision of evidence is also an advantage to us, we do not wish to see any party disadvantaged. Accordingly whilst we broadly agree with the suggested amended dates put forward by the Applicant, we see no reason to

deviate from the relative timing of the provision of the s42A report and the provision of expert evidence for the applicant as set out in s41B.

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) supplementary section 42A report be provided to The Church of Jesus Christ of Latter-Day Saints Trust Board (the Applicant) and submitters by 5pm on **2 November 2020**.¹
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 November 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 November 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 November 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 November 2020**.
4. Pursuant to RMA s41B (1) & (2), if The Church of Jesus Christ of Latter-Day Saints Trust Board intends to present evidence in rebuttal of the section 42A or supplementary section 42A reports 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.

The Hearing Procedure will remain as set out in Direction 1.

Dated this 19th day of October 2020.



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

¹ The 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 The 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.