

## HAMILTON CITY COUNCIL

### HEARING OF RESOURCE CONSENT APPLICATION BY WESTON LEA LIMITED

#### DIRECTIONS OF COMMISSIONER HEARING PANEL: No.2

##### **Publicly Notified Applications**

*Applications by Weston Lea Limited to develop approximately 105 hectares of land adjoining the western bank of the Waikato River in Peacocke Hamilton at 337-461 Peacockes Road, Hamilton. The location is fully described by the application for resource consent. The subdivision and development will provide for 862 dwellings on individual certificates of title. In addition, there will be two large lots proposed adjacent to Peacockes Road to be development in the future for a mixed use residential/commercial centre (development of these lots is not part of current applications). Earthworks, new roading, cycleways, walkways, additional planting within a retained esplanade, and three waters infrastructure are required to enable to the development and a number of open space areas are included in the applications.*

Further to Direction No 1 dated 22 February 2019, Counsel for Weston Lea Ltd have submitted by way of Memorandum dated 28 February 2019, a request that a further step be included in the evidence-in-reply prior to the hearing to allow for the filing of Weston Lea's evidence in reply, prior to the hearing. It is noted that this would alter the commencement of the hearing by two days to Wednesday 1 May 2019.

The reasons for such request are outlined in paragraph 7 of the Memorandum from Counsel for Weston Lea Ltd.

Having considered the request it is agreed that in the interests of conducting an efficient hearing, and in the interests of natural justice, the evidence in chief and evidence in reply would be provided to all parties prior to commencement of the hearing.

In addition, the commissioners will undertake a site visit commencing at 10am, Tuesday 30 April 2019. This will be for commissioners only together with a person from the Council, who is not involved with the application or hearing process, to take us on the site visit. This site visit is to enable commissioners to understand the location of the proposal and associated context.

At the commencement of the hearing on Wednesday 1 May 2019, we will consider and determine any procedural and house-keeping matters, including the undertaking of more in-depth/ specific site visits and the participation of parties in such visits.

Accordingly, we make the following directions:

## Exchange of Expert Evidence

1. Pursuant to RMA s42A (1) & (3) and s103B (2), that the Council's section 42A report be provided to Weston Lea Limited (the Applicant) and submitters by opening of business on 3 April 2019.<sup>1</sup>
2. Pursuant to RMA s41B (1) & (2), that Weston Lea Limited expert evidence in chief be provided to the Hamilton City Council by no later than 5pm on 8 April 2019. The Hamilton City Council shall make available to all parties to these proceedings a copy of Weston Lea Limited expert evidence in chief by opening of business on 10 April 2019.<sup>1</sup>
3. Pursuant to RMA s41B (3) & (4), any submitter who intends to present expert<sup>2</sup> evidence is to provide a written brief of that evidence to Hamilton City Council by no later than 5pm on 15 April 2019. The Hamilton City Council shall make available to all parties to these proceedings a copy of the submitter's expert evidence by opening of business on 17 April 2019.
4. Pursuant to RMA s41B (1) & (2), Weston Lea Limited evidence in reply to the section 42A report and any pre-circulated submitter expert evidence, is to be provided to the Council no later than 5pm Wednesday 24 April 2019. The Council shall make available to all parties to these proceedings a copy of Weston Lea's evidence in reply by 5pm Friday 26 April 2019.

## Hearing Commencement

5. The hearing will commence at 9am, Wednesday 1 May 2019.

Dated this 7<sup>TH</sup> day of March 2019



Bill Wasley  
Commissioner Chair

on behalf of the Hearing Panel

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<sup>1</sup>The Hamilton City Council will make the s42A report and all evidence available on the Council website ([www.hamilton.govt.nz/amberfield](http://www.hamilton.govt.nz/amberfield)) and a hard copy will be available for viewing on the Ground Floor of the Municipal Building, Hamilton City Council, Garden Place during office hours (7.45am to 5.00pm Monday to Friday).

<sup>2</sup>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.