

HAMILTON CITY COUNCIL
HEARING OF RESOURCE CONSENT APPLICATIONS BY WESTON LEA LIMITED
DIRECTIONS OF COMMISSIONER HEARING PANEL: No. 6

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.

We are in receipt of Memorandum of Counsel for Weston Lea Ltd dated 17 May 2019, Memorandum of Counsel for the Director General of Conservation dated 20 May 2019, and an email from Counsel for the Riverlea Environmental Society dated 20 May 2019. Both the Director General of Conservation and Riverlea Environment Society sought time to reply to the Memorandum of Counsel for Weston Lea and this was allowed, and to be received by 12 noon 24 May 2019.

We have now received formal Memoranda from Counsel for both parties.

We do not propose to traverse the matters raised in the Memoranda filed.

Suffice to say that we have considered the Memorandum from Counsel for both the applicant and submitters and have agreed that further directions relating to information provision and caucusing are appropriate.

Accordingly, we make the following directions:

Caucusing of Expert Witnesses

We direct that:

1. Weston Lea's experts provide the submitters ecologists with an information package by 5pm Monday 27 May 2019 identifying and outlining the following:

-the existing material and related technical information contained in Weston Lea's application, EIC and EIR concerning the proposed management of the potential adverse ecological effects of the proposal on bats; and

-the newer information contained in Dr Parson's EIR which provides further information concerning the implementation of certain mitigation measures addressed in the material described above.

2. That submitters consider the information provided as set out in (1) above and to advise the applicant's experts by 5pm Thursday 30 May of any information gaps.
3. The applicant's experts to consider any information gaps identified by submitters experts and either provide such further information, or otherwise respond by 5pm Wednesday 5 June.
4. The panel will review the information and responses and if considered appropriate, may issue a memorandum about matters that they would like addressed at caucusing. Such advice would be in the form of guidance only and not to be taken as imposing limits on issues to be discussed. If the panel decide to issue such a memorandum that would occur by 3pm on Friday 7 June.
5. We have considered that an appropriate date for caucusing to re-commence is in the week beginning 10 June having considered views expressed in the memorandum of all counsel. We consider that there is adequate time for the s42A response to consider the outcomes of any caucusing. A joint witness statement is to be produced at the conclusion of the caucusing in terms of matters agreed, matters not agreed and reasons why.
6. We direct that the Hamilton City Council arrange an independent person to co-ordinate and chair the reconvened caucusing.
7. The hearing will be reconvened on 16 July 2019.
8. The further s42A report in response to caucusing be provided by 25 June 2019. If some additional time is required, then we would consider such a request.



Bill Wasley

Commissioner Chair
on behalf of the Hearing Panel

Dated this 24th day of May 2019