

HAMILTON CITY COUNCIL

HEARING OF RESOURCE CONSENT APPLICATION BY HAMILTON CITY COUNCIL – COMMUNITY FACILITIES

DIRECTIONS OF COMMISSIONER: No.3

Publicly Notified Application:

Application for consent to demolish a Category B Heritage Building (Municipal Pools) and undertake associated earthworks and site remediation. The works involve the removal of some existing underground infrastructure and the retention of other underground structures previously associated with the pool complex. Following demolition and site clearance, the works involve contouring of the site to enable landscaping and planting to be undertaken to integrate the site with the wider Ferrybank Reserve. These works will involve the installation of underground supporting structures to provide stability to the adjoining Victoria Street road reserve on the western boundary and the Celebrating Age building adjoining the northern boundary of the site. Approximately 1,380m³ of earthworks will be required, comprising clean fill material for backfilling and re counteracting.

Associated works involve the excavation of trenches to enable the capping of an existing wastewater connection. As the immediate vicinity of the works includes a number of Protected Trees, the Root Protection Zones of these trees have been defined by an arborist. The Root Protection Zones are to be defined and protected on site by safety fencing and all works are to occur outside of the defined Root Protection Zones.

I have been made aware of an email request from the Applicant's legal representative to the Acting Planning Guidance Unit Manager, Sam Le Heron, dated 19 September 2019, seeking a revised evidence exchange timetable to allow for further structural assessment work and any subsequent related heritage and planning assessments to be undertaken. The Applicant has proposed an amended evidence exchange timetable and proposes later dates for this to occur.

The Applicant has sought this additional time to consider and address the matters relating to structural assessment prior to the hearing.

Having considered this matter, I have decided to issue further directions to give effect to the request pursuant to my powers under the Resource Management Act 1991 (RMA,) to ensure an efficient and effective hearing process.

Accordingly, I make the following directions:

Timetable

1. The timetable directions set out in Commissioner Direction No 2 dated 16 July 2019 are vacated.

Hearing Date

1. The hearing is set down for **Monday 11 November – Thursday 14 November 2019**. It is to commence at **10am**, at a venue to be confirmed by the Planning Guidance Administration team.

Exchange of Expert Evidence

2. Pursuant to RMA s42A (1) & (3) and s103B (2), that the Council's (Planning Guidance Unit) section 42A report be provided to Hamilton City Council – Community Facilities (the Applicant) and submitters by opening of business on **21 October 2019**.¹
3. Pursuant to RMA s41B (1) & (2), that Hamilton City Council– Community Facilities expert evidence in chief be provided to the Hamilton City Council (Planning Guidance Unit) by no later than 8am on **29 October 2019**. The Hamilton City Council (Planning Guidance Unit) shall make available to all parties to these proceedings a copy of Hamilton City Council– Community Facilities expert evidence in chief by opening of business on **29 October 2019**.¹
4. Pursuant to RMA s41B (3) & (4), any submitter who intends to present expert² evidence is to provide a written brief of that evidence to Hamilton City Council (Planning Guidance Unit) by no later than 5pm on **4 November 2019**. 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 **5 November 2019**.
5. Pursuant to RMA s41B (1) & (2), that if Hamilton City Council – Community Facilities 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.



Bill Wasley
Commissioner

Dated this 25th day of September 2019

¹The Hamilton City Council (*Planning Guidance Unit*) will make the s42A report and all evidence available on the Council website 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).

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.