

HAMILTON CITY COUNCIL

HEARING OF RESOURCE CONSENT APPLICATION BY WAIKATO REGIONAL THEATRE GOVERNANCE PANEL

DIRECTION OF COMMISSIONER: No.1

Publicly Notified Application:

This application seeks resource consent for the establishment of the Waikato Regional Theatre facility, which includes a 1,300-seat auditorium and associated theatre facilities, a conference centre, hotel and other retail/hospitality tenancies. Construction of the proposal involves, amongst other activities, the following:

- *The partial removal of, and external and internal alterations to, the Hamilton Hotel; a 'A' Ranked Built Heritage Item;*
- *The removal of three Significant Trees;*
- *Works within Embassy Park to create a large plaza and level access to the main theatre entrance and access to the riverfront promenade; and*
- *The installation of 5m wide riverfront promenade which will include works within a 'Group 2' Significant Archaeological Site and the Waikato Riverbank and Gully Hazard Area.*

I (Bill Wasley) have been appointed as Independent Hearing Commissioner by the Hamilton City Council (Council) to hear and determine the above application. Council has identified a date that the hearing will commence, being on **Wednesday 16th October 2019 at 12.00pm**, in Council's Reception Lounge. At this stage the hearing will run from the 16th – 18th October 2019. I have endorsed this date and time and Council will in due course, issue a formal notice of hearing including venue details.

Having reviewed the case and the nature of the submissions, I have decided to issue directions pursuant to my powers under the Resource Management Act 1991 (RMA) to ensure an efficient and effective hearing process. Sections 41B and 41C enables a 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:

Evidence Exchange

1. Pursuant to RMA s42A (1) & (3) and s103B (2), that the Council's section 42A report be provided to Waikato Regional Theatre Governance Panel (the Applicant) and submitters by opening of business on **Wednesday 25 September 2019**¹.

2. Pursuant to RMA s41B (1) & (2), that Waikato Regional Theatre Governance Panel expert² evidence in chief be provided to the Hamilton City Council by no later than 5pm on **Tuesday 1 October 2019**. The Hamilton City Council shall make available to all parties to these proceedings a copy of Waikato

¹ The Hamilton City Council will make the s42A report and all evidence available on the Council website (www.hamilton.govt.nz/waikatotheatre) 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).

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.

Regional Theatre Governance Panel expert evidence in chief by opening of business on **Wednesday 2 October 2019**.

3. 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 by no later than 5pm on **Tuesday 8 October 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 **Wednesday 9 October 2019**.

4. Pursuant to RMA s41B (1) & (2), that if Waikato Regional Theatre Governance Panel 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:

- The party adducing the pre-circulated evidence is to call the witness in person (unless attendance in person has been waived), commencing with the applicant and followed by submitters.
- The witness will be introduced and asked to confirm his or her qualifications and experience.
- The witness will be requested to provide and present a summary of the pre-circulated evidence. If rebuttal evidence is to be presented, then this is to occur after presentation of the summary of the evidence in chief by the witness.

A handwritten signature in black ink, appearing to read 'Bill Wasley', with a stylized initial 'W'.

Bill Wasley
Independent Commissioner
12 September 2019