

**HEARING OF PROPOSED PLAN CHANGE 26: RESIDENTIAL ZONE INTENSIFICATION
TO THE OPERATIVE WAIPĀ DISTRICT PLAN**

DIRECTION #4

INDEPENDENT HEARINGS PANEL

PRELIMINARIES

1. Waipā District Council (Council) has established an Independent Hearings Panel (the Panel) to hear Plan Change 26 – Residential Zone Intensification (PC26) using the Intensification Streamlined Planning Process (ISPP).
2. The Council has appointed the Panel, which comprises Independent Hearings Commissioners:
 - a. David Hill (Chair),
 - b. Dave Serjeant,
 - c. Vicki Morrison-Shaw, and
 - d. Nigel Mark-Brown.
3. The Panel is acting under delegated authority from the Council in accordance with clause 96 (1) and (3) of Schedule 1 of the Resource Management Act 1991 (RMA), and has the duties and powers set out in clause 98 of Schedule 1 of the RMA.
4. The Panel is required to make recommendations on Plan Change 26 to the Council, after it has heard the submissions, on whether to accept or reject the submissions received and any amendments to the provisions of Plan Change 26 in accordance with clauses 99 and 100 of Schedule 1 of the RMA. Unlike the “standard” plan change process, the Panel is not limited in making its recommendations by the scope of submissions made on Plan Change 26 (as per clause 99(2)(b) of Schedule 1 of the RMA).
5. PC26 was publicly notified on 19 August 2022, submissions closed on 30 September 2022 and further submissions close on 12 December 2022.
6. Except as set out in this Direction, the Panel’s Hearing Procedure Direction #1 issued on 19 August 2022 applies.

PURPOSE

7. The hearing for PC26 is to be scheduled in two sessions as follows:
 - **Session 1: Waikato-wide strategic legal and planning issues** – combined with the hearing for Hamilton City and Waikato District Councils - Tuesday 14 February 2023 to Friday 17 February 2023 in Hamilton, as set out in Directions #1 and #3.
 - **Session 2: PC26 – Substantive issues** - Wednesday 26 April 2023 to Wednesday 3 May 2023.
8. The purpose of Direction #4 is to establish a timetable for the PC26 Session 2 report and evidence exchange.

9. The hearing for **Session 2** is scheduled to commence at **9am on Wednesday 26 April 2023**. The hearing will be held at the Bridges Church, 28 Duke Street, Cambridge (unless a change in the Covid-19 Protection Framework (traffic light) status necessitates the use of a remote access facility (i.e. virtual hearing)).

EXCHANGE OF EVIDENCE: Session 2

10. Section 41B of the RMA sets out the minimum timeframes for the exchange and circulation of written briefs of evidence (for plans and plan changes) prior to the commencement of the hearing.
11. The Panel therefore makes the following directions for Session 2 consistent with the powers provided under this section of the RMA:
 - a) The Council is to lodge its s.42A Hearing Report with the Hearing Coordinator by **4pm, Friday 10 March 2023**.
 - b) The Council is to lodge its expert evidence-in-chief with the Hearing Coordinator by **4pm, Friday 24 March 2023**.
 - c) Submitters are to lodge evidence (both expert and non-expert) with the Hearing Coordinator by **4pm, Thursday 6 April 2023**.
 - d) Any rebuttal evidence is to be lodged with the Hearing Coordinator by **4pm, Wednesday 19 April 2023**.
 - e) Any parties intending to present opening legal submissions at the hearing are to file their opening legal submissions with the Hearing Coordinator by **4pm, Friday 21 April 2023**. The Panel will accept supplementary legal submissions on the day of appearance at the hearing addressing any legal matters arising after filing.
12. The Hearing Coordinator will advise all parties when any of the material required by the above directions are available. The material will be uploaded to the Council's website within 2 working days of the evidence due date.

EXPERT CONFERENCING

13. If expert conferencing for Session 2 is required it will commence in the week of **13 March 2023**. This will be advised later but parties are invited to indicate subject areas in which such is considered desirable.

HEARING PLAN

14. A Session 2 Hearing Plan will be emailed to submitters and posted to the website showing the date, sequence and time allocation granted to each submitter that wishes to be heard.

HEARING PROTOCOL

15. Unless otherwise advised by the Panel, witnesses will not be required to read their pre-circulated evidence in full at the hearing. Instead, a written summary of primary evidence and rebuttal evidence should be prepared to be read. On the day of the

hearing and prior to their presentation to the Panel, witnesses are requested to hand to the Hearing Coordinator, 10 hard copies of their written summaries.

16. In the meantime, parties are encouraged to meet with a view to resolving matters ahead of the hearing.
17. If parties intend to present evidence or submissions in Te Reo Māori, the Hearing Coordinator must be advised no later than **6 April 2023** so that appropriate translation services can be arranged. That is not necessary if Te Reo is solely for formal opening or closing of the presentation.

SITE VISIT

18. The Panel will advise arrangements for undertaking a site visit(s) in due course (closer to the time of hearing and in light of submissions and evidence received).

COMMUNICATIONS TO THE HEARING PANEL

19. All communications to the Panel, including all general enquiries, procedural requests and documents required by any direction of the Panel, are to be emailed to the Hearing Coordinator, Mr Steve Rice:

Email: steve@riceres.co.nz

Postal Address: 260 Anglesea Street, Council Building,
Hamilton City Council
Attn: City Planning
Private Bag 3010 Hamilton 3240
Phone: 07 838 6699



David Hill (Chairperson)
Independent Hearing Panel

9 December 2022