

**WELLINGTON CITY COUNCIL**  
**PROPOSED (PRIVATE) PLAN CHANGE 81**  
**MINUTE 1 OF HEARING COMMITTEE**

**Introduction**

1. Pursuant to section 34A of the Resource Management Act 1991 (**RMA**) Councillor Andy Foster (Chair), Councillor Mark Peck, and Independent Commissioner David McMahon have been jointly appointed by the Wellington City Council ("**WCC**") to hear and determine Proposed (Private) Plan Change 81 ("**PC81**") – Rezoning 320 The Terrace from "Inner Residential" to "Institutional Precinct" and de-listing the Gordon Wilson Flats – to the Wellington District Plan by Victoria University of Wellington ("**the proponent**").
2. The general function of this Minute is to set out some preliminary matters in preparation for the hearing, which is set down for Tuesday 15 and Wednesday 16 December 2015. Formal notice of this hearing date will be provided separately. In the meantime, our objective is to provide for a smooth and easily navigable hearing process for all parties. This requires some actions from all the parties in readiness for the formal proceedings, which we will now outline in detail.
3. In this respect, this minute covers the following matters:
  - (a) Evidence Preparation and Circulation
  - (b) Hearing Process and Presentations
  - (c) Site and Locality Visits
  - (d) Pre-hearing discussions/conferencing
4. It is possible that there will be further instructions issued by way of Committee Minute before and/or after the hearing.

**Evidence Preparation and Circulation**

5. The Committee has considered whether any orders are appropriate under section 41B of the RMA. That section provides that an authority controlling a hearing may direct that briefs of expert evidence be provided to the authority prior to the hearing. It is apparent that there are a number of issues which are likely to be addressed by experts<sup>1</sup>. The purpose of the pre-circulation of expert evidence is to allow the evidence to be read and assimilated by all parties to the hearing. In the interests of efficiency and transparency, the Committee considers such orders are necessary, and as such the following directions are made:
  - (a) Pursuant to section 42A(3)(a) of the RMA, the Committee directs that the **WCC section 42A report/s** be provided to all the parties, by way of email, directing the parties to the WCC website no later than 5pm on Tuesday 24 November 2015.
  - (b) Pursuant to section 41B(1) and (2) of the RMA, the Committee directs that the **plan change proponent** provide written briefs of their expert evidence to the Council's Business Support Administrator (Leslie Almario at the WCC ([Leslie.Almario@wcc.govt.nz](mailto:Leslie.Almario@wcc.govt.nz)) no later than 12 noon on Tuesday 1 December 2015.

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<sup>1</sup> An expert is a person who holds professional qualifications in the field relevant to the evidence produced.

(c) Pursuant to section 41B(3) and (4) of the RMA, the Committee directs that if **any person who has made a submission intends to present expert evidence** at the hearing, including expert planning evidence, then that party is to provide a written brief of that evidence to Ms Almario at the WCC ([Leslie.Almario@wcc.govt.nz](mailto:Leslie.Almario@wcc.govt.nz)) no later than 12 noon on Tuesday 8 December 2015.

(d) Where **submitters intend to present non-expert evidence or legal submissions**, a list of names of those appearing for the submitter should be provided to Ms Almario at the WCC ([Leslie.Almario@wcc.govt.nz](mailto:Leslie.Almario@wcc.govt.nz)) no later than 12 noon on Tuesday 8 December 2015. This instruction applies even if a submitter is representing his/herself without any additional representation. This will assist in scheduling the proceedings – both in terms of indicating the likely duration of the hearing, and in terms of understanding roughly how long each party will require.

(e) The Committee request that as soon as practicable following receipt of any such evidence received pursuant to section 41B, WCC provides a copy to all other parties to these proceedings by way of email, directing the parties to the WCC website, no later than 5pm on Tuesday 1 December and 8 December 2015 respectively.

6. In terms of the directions above, the reports and evidence should be provided by WCC electronically by email or be made available for downloading from the WCC website [www.wcc.govt.nz](http://www.wcc.govt.nz). Hard copies of the reports or evidence should only be provided on request.

7. Non-expert evidence, including any lay evidence or legal submissions should be tabled and read aloud on the day that the relevant party appears at the hearing.

8. For clarity the timetable for proceedings is as follows:

<b>Date (2015)</b>	<b>Action</b>
<b>Tuesday 24 November</b>	<b>WCC – s42A report to be circulated to the parties</b>
<b>Tuesday 1 December</b>	<b>Proponent’s evidence – to lodge with WCC all written evidence in support of the application (or later by agreement)</b>
<b>Tuesday 8 December</b>	<p><b>Submitter’s expert evidence – to lodge with WCC all written evidence in support of the application (or later by agreement)</b></p> <p><b>Submitters attending the hearing – to provide a list of evidence authors / witnesses to be called in support of their submission(s) to the WCC (plus any site and localities that they wish us to visit prior to the hearing).</b></p>
<b>From Tuesday 15 December (2 Days)</b>	<b>Hearing commences</b>

9. We understand that Council will collate all pre-circulated evidence and make it available on the Council website. Further instructions about accessing this information (including where hard copies of the evidence may be viewed) will be conveyed by the Council following receipt of all materials.

### **Hearing Process/Presentations**

10. As the proponent's evidence is being distributed to all parties prior to the hearing, and will be read by us prior to the hearing commencing, it will not be necessary for a verbatim oral presentation of the proponents' written evidence at the proceedings. We are happy for the proponent's witnesses to speak to a summary of their evidence, which could either be:
  - (a) a separate tabled statement that condenses the key points from evidence (i.e. a couple of pages); or
  - (b) via highlighting particular points within their evidence during their presentation.
11. We are happy for the above approach to extend to submitters and Council reporting officers also.
12. With this approach in place, we envisage presentations will be in the ballpark of 15 minutes per speaker, though this is not a fixed time requirement. Our intent in signalling this is less a stipulation that speakers rigidly adhere to an imposed time limit, and more a guide for those wondering how long their presentation is likely to last.
13. We want to be clear that all parties (proponent, submitters and officers) will be given the time they require to adequately present their views. The main reason in favour of pre-circulation of the proponent's evidence is to minimise the time required for all parties to be present at the hearing itself. This expedited process will not, however, be at the expense of any party's ability to fully participate in the process.

### **Site and Locality Visits**

14. We recognise that a site and locality visit will be necessary during the process of the hearing. Apart from our general visit to the site and locality prior to the hearing commencement, if any party has a desire for us to visit particular sites/localities associated with PC81 then they should advise Ms Almaro of that as soon as practicable. We would suggest that this could be done at the same time that they respond to the Council regarding the list of evidence authors/ witnesses to be called in support of their submission(s) (i.e. by 8 December 2015).

### **Pre-hearing meetings and conferencing**

15. We do not propose to formally direct the undertaking of, or participation in, formal pre-hearing meetings, discussions or expert conferencing.
16. However as a first principle, we encourage the parties to meet and hold discussions prior to the commencement of the Hearing. This includes general meetings amongst the parties to discuss any procedural or substantive matters; for submitters to gain a better understanding of what the proposal entails and what the effects and implications may be; for Victoria University of Wellington and the Council to better understand what the submitter's concerns are and how they might be accommodated; as well as conferencing between any technical experts engaged by any party.
17. Without wanting to prejudge the issues prior to the hearing, it is apparent to us from our preliminary review of submissions that have been lodged, that a number of matters are

worthy of discussion between the parties prior to the hearing being held. We have reviewed the submissions to PC81 and consider that the primary matters can be grouped into the following:

- (a) Heritage de-listing;
- (b) Noise and residential amenity effects; and
- (c) Pedestrian amenity and safety.

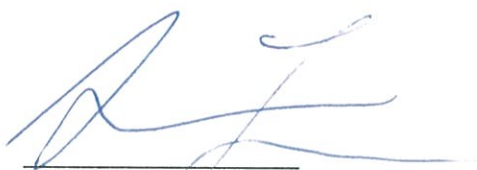
18. The removal of the **heritage listing** has been raised by a number of submitters. We strongly encourage the relevant experts for both the proponent and the Council, as well as submitter experts, to engage before the hearing. Where a mutually amicable resolution to the issue cannot be reached, we seek that these expert clearly identify the areas of agreement and disagreement between the parties.
19. **Noise and residential amenity** associated with the potential for student residences to be developed on the site is a primary issue to be discussed between the Council, the proponent and submitters. We strongly encourage further discussion on a first-hand (without prejudice) basis between these parties to determine an agreed solution, if possible, to this matter prior to the hearing commencing.
20. **Pedestrian amenity and safety** matters raised in submissions are considered to relate to the following:
  - (a) access and connectivity;
  - (b) amenity, including the retention of existing vegetation; and
  - (c) pedestrian safety.
21. Again, pre-hearing discussions on these pedestrian amenity and safety matters between the proponent, the Council and submitters is encouraged in an endeavour to explore whether a mutually agreeable conclusion is possible prior to the hearing commencing.
22. For completeness, we note that discussions/conferencing is not mandatory in this instance. However, if any parties are able to constructively discuss matters with a view of facilitating a smooth hearing process, we would welcome this.
23. To be clear, the reasons for conferencing are:
  - (a) To clarify and aspects of the plan change that are unclear
  - (b) To clearly identify the areas of agreement and disagreement between the parties;
  - (c) To enable a more focused and concise hearing process on technical matters
24. The output of any conferencing process shall be the production of a report and/or joint witness statements to be circulated to all interested parties prior to the commencement of the hearing. It would be prudent for the proponent to organise this on behalf of all parties (including the Council). The reporting back date to the Council Business Administrator is 20 November 2015 (or earlier if possible including interim reporting if preferable). This does not preclude conferencing continuing right up to, and during, the hearing should that be appropriate.

## Next Steps

25. As indicated by the proposed timetable above, we now invite all parties to indicate their intention or otherwise of participating in pre-hearing discussions. This can be done by contacting Ms Almario who will advise the proponent. Should parties be amenable to this we imagine, meetings could commence the week beginning 2 November 2015 or even earlier by agreement. This will enable up to 3 weeks discussion between the parties before the council's s42A report is due. If such discussions are undertaken – either formally or informally - it would be desirable if the proponent took the lead on these in terms of organising and reporting back. However if any other party wishes to undertake that role we see no impediment to that happening.

If any party wishes to seek further clarification around the hearing process or the proposed timetable, please contact Me Almario (ph. 04 801 4298 or email [leslie.almario@wcc.govt.nz](mailto:leslie.almario@wcc.govt.nz)) in the first instance.

DATED this 2<sup>nd</sup> day of November 2015



Councillor Andy Foster (Chair)

On behalf of the Hearing Committee

