

Before the Taupō District Council

in the matter of
the Taupō District Plan

and
in the matter of

Plan Change 34 – Flood Hazard as proposed
by the Taupō District Council

and
in the matter of

hearings on Submissions
Under Schedule 1 RMA

**MINUTE NO. 1 FROM THE CHAIR OF THE HEARING PANEL CONSTITUTED TO HEAR
SUBMISSIONS ON PLAN CHANGE 34 – FLOOD HAZARD**

Dated: 11 September 2018
Circulation: TDC and Submitters

Introduction

1. The hearing panel (comprising Jeff Jones (Chair), Steven Wilson and Councillor Rosanne Jollands) have been delegated the function of hearing submissions and making recommendations to the Taupō District Council on the Taupō District Council initiated Plan Change 34 – Flood Hazard.
2. The purpose of this minute is to:
 - a. Take steps to ensure the hearing runs as smoothly as possible;
 - b. Make directions for the exchange of expert evidence;
 - c. Set up the structure for the hearing process;
 - d. Ensure all parties understand what is expected of them at an early stage.
3. The hearing panel will not be dealing directly with the submitters concerning the administration of the hearing process and all communications should be directed to the hearing administrator whose details are:

Carrie Robinson
Taupō District Council
crobinson@taupo.govt.nz
P-07 376 0823
Private Bag 2005
Taupō Mail Centre 3352

Context

4. The plan change has been initiated by the Taupō District Council (TDC). We therefore consider it appropriate to require the Council to present the change as the notional applicants who are changing the status quo. This has the following consequences:
 - a. Prior to the hearing, TDC should pre-circulate the evidence it relies upon first; and
 - b. At the hearing, TDC should present the case for the plan change first; and
 - c. TDC should have the right of reply at the end of hearing;
 - d. TDC may be required to report on matters arising during the hearing if required by the hearing panel.

Expert Evidence Exchange

5. Section 41 of the Resource Management Act provides for hearing panels to make directions for the exchange of expert evidence. We are satisfied, for the purposes of the Resource Management Act, that the issues that arise from this plan change are of sufficient significance as to warrant directions for the exchange of expert evidence. The exchange of expert evidence has the following advantages:
 - a. Experts are aware at an early stage of any evidence from 'matching' experts and are able to consider any opinions expressed and information in a timely way; and
 - b. The hearing panel is able to read the evidence in advance in order for time to be saved in the hearing process and for any questions to be focused and comprehensive.
6. Expert evidence in this context includes both technical expert evidence (hydrology and flooding) and planning evidence.
7. These directions do not apply to the evidence of individual lay witnesses i.e. those submitters not supported by experts. However, it would be very useful for any lay witnesses to provide written copies of any evidence that they propose to present in addition to the contents of their submissions. If it is supplied in advance to the hearing administrator, then it may not be necessary to have such evidence read at the hearing.
8. To facilitate the distribution of expert evidence and enable its prompt publication on the Taupō District Council website, expert evidence is to be provided in electronic form as follows:
 - a. The file to be in pdf format; and
 - b. The pdf file name to include the date of the statement, the name of the witness and the witnesses area of expertise.
9. As to timing, the provision of expert statements of evidence is required as follows:
 - a. Section 42A reports from experts for the Taupō District Council circulated on 1 October 2018; and
 - b. Expert evidence for submitters circulated on 8 October 2018.

Presentation of Expert Evidence at the Hearing

10. All expert evidence will be taken as read.
11. Each expert will be allowed a maximum of 30 minutes to present the essence of their evidence orally and/or with visual aids. It would also assist the hearing panel if during that period the expert identified in the other matching expert evidence and elaborated upon:

- a. The essential differences between the experts; and
 - b. The reasons for the difference; and
 - c. Why the expert considers their opinion to be preferred.
12. This latter component can be documented in a concise supplementary statement.
13. If an expert wishes to refer to external documents which have not already been provided to the hearing panel then at least four complete copies of the external reference document must be provided so that it can be retained by the hearing panel. In addition, an electronic copy must be supplied to the hearing administrator.

Scheduling of Hearing Time

14. Hearing time has been scheduled to commence on 23 October 2018 and finish on 24 October 2018. The 25 October 2018 has been set aside as a reserve day for contingencies and deliberations, if required. Hearings and deliberation will be held in the Taupō District Council Chamber located at 107 Heuheu Street, Taupō.
15. The hearing panel will sit each day from 9:00 am until 5pm with lunch between 12.30pm and 1.30pm and a break for tea/coffee around 10:30am and 3.00pm.
16. The council will present its evidence first followed by submitters.
17. Submitters will be allocated 10 minutes unless they indicate they will need longer.
18. The hearings administrator will contact the submitters to request the following:
- a. Whether they still wish to be heard; and
 - b. to schedule when they would like to be heard; and
 - c. to confirm if 10 minutes is adequate for speaking to their submission.
19. All parties are requested to cooperate positively with the difficult logistical task of accommodating people's needs within the limited time available. It will only be in exceptional circumstances that the hearing panel will permit impromptu appearances by submitters who have not made their requirements known to TDC.

Saving Resources and Operating Efficiently

20. Hearings of this type can involve the production of vast amounts of paper which is difficult to manage and which unnecessarily consumes time and resources. To limit that problem it is proposed that:
- a. Any expert evidence or other evidence exchanged prior to the hearing be posted on the Taupō District Council website so that it is available for downloading by any submitter interested in doing so and on the assumption that only those submitters that require a physical copy will be provided with physical copies of evidence. Any requests for physical copies of expert evidence must be directed to the hearing administrator ideally prior to the hearing as there are no onsite printing/copying facilities in the council chambers ; and,
 - b. Any submitter can contact the committee administrator and arrange for copies of documents to be provided in electronic form using the scanning facility at the Taupō District Council.

Plan Provisions

21. In a hearing concerning plan provisions, it is not uncommon to have alternative plan provisions proposed. Where that is the case it is useful to have those provisions in a Word 2016 format with the changes tracked so the hearing panel can easily assess the nature of the changes and their significance for the planning framework.

Other Matters

22. The content of all submissions will be read by the hearing panel and need not be read to us again during the hearing. It may be assisted by additional information directed at matters relevant to the issues that require consideration.
23. Six copies of all evidence or submissions not previously pre-circulated must be provided at the hearing.
24. For those who are not familiar with the plan change hearing process, further information on being a submitter can be found at the Ministry for the Environment website at the following link <http://www.mfe.govt.nz/publications/rma/everyday/plan-hearing/>



Jeff Jones
Chair
11 September 2018