



Sandra Kelly

From: Brian Putt <brian@metroplanning.co.nz>
Sent: Friday, 24 May 2019 10:35 a.m.
To: DistrictPlan
Subject: RE: Proposed District Plan (Notified)

Follow Up Flag: Follow up
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Categories: Completed, Under Advisement

Dear Administrator

Thank you for forwarding the First Directions from Hearings Commissioners in relation to the future hearing of submissions and further submissions on the Waikato District Plan. Some procedural matters arise from my point of view in respect of timing and obligations being placed on submitters. My comments are as follows:

1. **1. Public Notice for Further Submissions** – the Memorandum from Hearings Commissioners seemed premature given that submitters have not yet been provided with the final form of the Summary of Submissions and a public notice providing for the timing for the receipt of further submissions. The Council website originally provided for this to have happened by 27 May 2019. However, having discovered numerous errors in the Summary of Submissions, the Council has abandoned that date by informing all submitters that a new Summary of Submissions will be provided in the near future along with a new closing date for the receipt of further submissions. In my opinion it is therefore premature to consider holding hearings on these matters when the receipt of further submissions is not provided for.
2. **2.** In the event that a new timetable is prepared following the closure of further submissions, I consider that the Hearings Commissioners should review the evidence timetabling and obligations that they seek to impose. This process is intended to be “user friendly” for members of the public, landowners and any experts engaged by submitters or further submitters to assist their cause.
3. **3.** The legal requirement for the provision of evidence prior to a hearing is 10 working days – not 15 working days. Given that the Council’s s.42A report is expected to be available 25 working days in advance of a hearing date, that would only leave 10 working days available for evidence presented on behalf of a submitter or further submitter to be considered, prepared and lodged.
4. **4.** Given that the Council has had since October 2018 to consider and respond to submissions lodged, it holds an unfair advantage over submitters and further submitters in the time available to respond with evidence to issues raised in the Council’s s.42A report.
5. **5.** There is no provision in this timetabling for a rebuttal or a response from the Council to evidence lodged in support of a submission or further submission. Submitters and further submitters do not want to be ambushed by

the Council delivering additional evidence and commentary at a hearing on a substantive matter which has been given detailed consideration by an expert witness representing a submitter's or further submitter's point of view.

6. 6. It would be sensible to provide in the timetabling for any written response the Council wishes to make to evidence lodged for consideration by the Hearings Commissioners to be provided by a date at least 5 working days in advance of the relevant hearing. In this way Counsel and experts representing submitters and further submitters will not be ambushed or surprised by the Council's response to matters in evidence lodged on specific topics.

Please place these comments before the Hearings Commissioners. It would be helpful if an adjustment to the timetabling was made to cover these points. In particular my primary concern remains that all timetabling is subject to the provision for the receipt of further submissions which at this time is still unknown.

Regards

Brian Putt

Metro Planning Ltd

Unit 2, 143 Wellesley Street,

P O Box 4013 Shortland Street

AUCKLAND 1140

P: 09 303 3457

M: 021 902 744

E: brian@metroplanning.co.nz

From: districtplan@waidc.govt.nz [mailto:districtplan@waidc.govt.nz]

Sent: Wednesday, 22 May 2019 11:52 AM

To: Brian Putt

Subject: Proposed District Plan (Notified)

Dear Submitter

Please find attached the Commissioners "First Directions' (Minute 1) 21 May 2019 regarding the upcoming hearings on the Proposed Waikato District Plan.

Kind regards

The District Plan Team