

**INDEPENDENT HEARINGS PANEL**  
**HOUSING AND BUSINESS CHOICE PLAN CHANGE (PC 14)**  
**HEARING PROCEDURES – UPDATED 23 AUGUST 2023**

- [1] The purpose of this document is to outline the procedures for the hearing of submissions on the Intensification Planning Instrument prepared under Part 5, sub part 5A and Part 6 Schedule 1 of the Resource Management Act 1991 (RMA) known as Proposed Housing and Business Choice Plan Change (PC 14).
- [2] The document covers the following matters:
- Relevant Background
  - Membership and Role of the Hearings Panel
  - Scope of Hearings Panel recommendations
  - Principles of Hearing Process and Hearing Sessions
  - Conflict of Interests
  - Role of Council Staff, Expert Advisors and IHP Secretariat
  - Pre-hearing Meeting
  - Expert Conferencing
  - Hearing Schedule
  - Notice of Hearing and Speaking Timetable
  - Evidence Preparation and Pre-circulation
  - Legal Submissions
  - Protection of sensitive information
  - Hearing Sessions and Protocols
  - Friend of Submitters service.

[3] Subject to the RMA the Hearings Panel is responsible for determining its own procedures for the conduct of the hearings of submissions and further submissions throughout the hearing process, and will issue other directions by way of Minute from time to time, both in the lead-up to the hearings, and during the hearings.

### **Relevant Background**

[4] Christchurch City Council (the Council) notified PC 14 on 17 March 2023. The submission period closed on 12 May 2023 with a total of 983 submissions being received.

[5] The summary of submissions was notified on 30 June 2023, with 78 further submissions received by the close of the further submission period on 17 July 2023.

[6] The Council notified an addendum with additional amended points on 24 July 2023, with further submissions on these points closing on 7 August 2023.

[7] As required by [clause 97, Schedule 1](#) RMA the Council is required to provide the following documents to the Hearings Panel:

- the PC 14 document that was publicly notified
- any variation made to PC 14 under clause 16A
- the specified territorial authority's evaluation reports prepared under section 32
- the submissions on PC 14 received by the closing date for submissions
- the territorial authority's summary documents of the decisions requested by submitters
- further submissions on PC 14 received by the closing date for further submissions
- submissions received after the closing date for submissions or further submissions
- information about when the submissions received after the closing date were received
- the planning documents that are recognised by an iwi authority and lodged with the specified territorial authority
- documentation relevant to any obligations arising under any relevant iwi participation legislation, joint management agreement, or Mana Whakahono ā Rohe
- any other relevant information.

[8] The hearing of submissions (the hearing) is proposed to commence on 10 October 2023 and is programmed to continue until 15 February 2024. The Hearings Panel recommendation report will be delivered to Council by 30 April 2024. Once the recommendation report has been considered and the Council has resolved whether to adopt the recommendations, the Council will notify all submitters of their decision. Further details on the hearing procedures are provided throughout this document.

### **Membership and Role of the Hearings Panel**

[9] In accordance with RMA Schedule 1 clause 96 the Council, has appointed five independent hearing commissioners to the Independent Hearings Panel as follows:

- Cindy Robinson (Independent Commissioner and Hearings Panel Chairperson)
- David McMahon (Independent Commissioner and Hearings Panel Deputy Chairperson)
- Karen Coutts (Independent Commissioner and Panel Member)
- Ian Munro (Independent Commissioner and Panel Member)
- Alan Matheson (Independent Commissioner and Panel Member).

[10] The Hearings Panel must comprise a quorum of at least three of the appointed independent commissioners. In the absence of conflict of interests or unforeseen circumstances, it is expected that all five independent commissioners will hear and consider submissions.

[11] References to submissions and submitters in this document includes further submissions and further submitters.

[12] The Hearings Panel is required to consider all submissions and hear all submissions, where the submitters seek to be heard and prepare a recommendation report to the Council on the submissions and further submissions.

[13] For the avoidance of doubt, the Hearings Panel will read and consider all submissions, regardless of whether the submitter seeks to be heard by the Hearings Panel.

### **Scope of Hearings Panel Recommendations**

[14] The Hearings Panel recommendations must relate to a matter identified by the Panel or any other person, but are not limited to within the scope of submissions. The Panel's

recommendation must also remain within the scope of the notified PC 14, and address the requirements of Part 5 and sub part 5A, and Part 6 of Schedule 1, of the RMA.

[15] The Hearings Panel is not required to provide a recommended decision on individual submissions and will group recommendations in accordance with issues raised by submissions in accordance with clause 100(4) and (5) of Schedule 1 RMA.

### **Principles of Hearing Process and Hearing Sessions**

[16] The objective of the Hearings Panel is to ensure the most appropriate, fair, and efficient hearing process is established.

[17] The Hearings Panel will establish and conduct a hearing process that:

- **Is appropriate and fair.** The Hearings Panel will always act in a fair and transparent manner.
- **Avoids unnecessary formality.** The Hearings Panel will be inclusive and acknowledge the broad range of interests of submitters and facilitate a process that provides all parties the opportunity to be heard, whether presenting oral or written submissions and evidence.
- **Is efficient.** The Hearings Panel will conduct an efficient process which minimises time and costs to all parties participating in the hearings. The Hearings Panel will provide all submitters with an adequate opportunity to be heard, while, at the same time, avoiding unnecessary repetition and presentation of irrelevant material.
- **Take into account Te Tiriti o Waitangi and recognise tikanga Māori where appropriate.** The Hearings Panel, through the Director, has engaged with Council's Strategic Advisor, Te Tiriti Partnership on tikanga Māori related to the rohe of Ngā Papatipu Rūnanga relevant to PC 14.
- **Recognise Tikanga Māori.** The Hearings Panel will receive written or spoken evidence in Māori, if requested to do so by a submitter. Where possible it would assist if the Panel was given one weeks' notice to enable an interpreter to be available.
- **Recognise New Zealand sign language.** The Hearings Panel will receive evidence in sign language, if and when requested to do so by a submitter who has given one weeks' notice to enable an interpreter to be available.

## **Conflict of Interests**

[18] A pre-requisite to a fair and transparent hearing process is an obligation on all Commissioners to bring an independent view and open mind to the role, free of any conflicts of interest that could result in bias and/or predetermination.

[19] Conflicts of interest may include where a commissioner:

- Has previously advocated a particular position within the scope of matters addressed by PC 14, or
- Has appeared in the past as an expert witness or advisor to a party who may hold an interest and/or lodged a submission on PC 14, or
- Has a private interest, including but not limited to an interest in property which may result in an actual or perceived conflict of interest and/or bias.

[20] As part of the appointment process, the Hearings Panel members were required to declare any conflicts of interest. Following appointment, the Hearings Panel agreed to disclose any potential interests to the Chair prior to, and during, the commencement of the hearings.

[21] The vehicle for recording the above interests is a "Register of Interests" which records the ongoing involvements and/or interests held by Panel Members. Panel Members will update the register by advising the Secretariat throughout the hearings process where potential conflicts come to light.

[22] In the event a Commissioner declares an interest; the Chairperson may require a commissioner to stand aside from the relevant hearing session/s and from the deliberations and decision-making arising from the hearing session/s.

[23] If the Hearings Panel Chairperson declares an interest the Deputy Chairperson may require the Chairperson to stand aside from the relevant hearing session/s and from deliberations and decision making arising from the hearing session/s.

[24] At the commencement of each hearing day, the Hearings Panel Chairperson will ask Commissioners to declare that no issues of 'interest' arise for them in relation to the day's proceedings. The Chairperson will also make a similar declaration. If there is any declared interest in the upcoming hearing day in relation to any submission to be heard that day, which is unable to be resolved, the Chairperson or Commissioner will excuse

themselves from the hearing for the period of that submission and will not take part in any deliberations or decision making about that submission.

[25] All parties to each day's proceedings will be entitled to bring to the Hearings Panel Chairperson's attention any potential 'interest' situation.

[26] The Register of Interests will be maintained for the full term of the hearing process and is publicly available on the website: [chch2023.ihp.govt.nz](http://chch2023.ihp.govt.nz).

### **Role of Council Staff, Expert Advisors and IHP Secretariat**

[27] Council staff and expert advisors will be involved in the hearing process. These are:

- (a) Section 42A RMA report writers (made up of Council staff and, in some cases, consultants)
- (b) Where required, expert advisors (made up of Council staff and consultants) and legal counsel
- (c) Council staff who provided advice on and prepared the Council's submission on PC 14
- (d) IHP Secretariat and administration staff.

### Section 42A Report Writers

[28] Council staff and consultants are involved in the preparation of reports (known as s42A reports). These reports summarise and evaluate the submissions received on each of the hearing topics.

[29] The report writers will attend the hearings and be available to answer any questions from the Hearings Panel and may be cross examined. The s42A report constitutes part of the body of evidence to be considered by the Hearings Panel, alongside the evidence of submitters.

[30] The s42A reports may contain recommendations from Council staff or consultants for the consideration of a Hearings Panel. The recommendations are not binding on a Hearings Panel. Furthermore, the s42A reports carry no greater weight than any other material to be brought forward by, or on behalf of, any submitter.

## Council as a submitter on PC 14

[31] Council staff and or consultants acting for the Council who have been involved in preparing a submission on PC 14 will be afforded the same opportunity as all other submitters to be heard on PC 14 and will be required to comply with the same requirements as all other submitters.

## IHP Secretariat

[32] An independent Secretariat has been established to support the Hearings Panel. The Secretariat is the Hearings Panel 'point of contact' for submitters and the public (including the media).

[33] Submitters, their representatives, s42A report writers and/or their experts wishing to bring matters to the attention of the Hearings Panel must direct all queries through the Director: Jo Daly, phone: 03 941 8581, email: [info@chch2023.ihp.govt.nz](mailto:info@chch2023.ihp.govt.nz).

[34] Communication to the Secretariat must where relevant clearly state the name of the submitter who, or on behalf of, the communication is from, the submission number and the relevant hearing topic name.

[35] Where any submitter or council officer or advisor wishes to bring preliminary matters to the attention of the Hearings Panel they shall do so in writing by way of a memorandum, or in an email setting out the issues that they wish to raise. Alternatively matters may be raised at the commencement of any session in person or by their representatives. To assist with the smooth running of each hearing session, where practical prior notice of preliminary matters should be given to the Secretariat before the hearing session commences.

[36] The Secretariat will oversee the administrative tasks needed to ensure an efficient hearing process. These tasks include:

- Issuing and publishing schedules and hearing notifications
- Making meeting arrangements
- Making available Hearings Panel minutes and directions
- Publishing evidence and reports received by the Hearings Panel
- Handling submitter enquiries

- Handling public and media enquiries to the Hearings Panel
- Assisting the Hearings Panel and Commissioners as required.

[37] The Secretariat are also responsible for managing the IHP website: [chch2023.ihp.govt.nz](http://chch2023.ihp.govt.nz) to ensure that all the necessary information to support an efficient hearings process is available.

[38] The Hearings Panel may engage technical, planning or legal support, including to assist in the preparation of their recommendations report. Such support will be limited to drafting assistance and not the merits of submissions or evidence.

### **Pre-Hearing Meeting**

[39] The Hearings Panel convened a general procedural pre-hearing meeting to which all submitters and Council staff were invited to attend (initial pre-hearing) on 1 August 2023. The agenda is available on the IHP [website](#).

[40] [Minute 4](#) recording the outcomes of the pre-hearing meeting is available on the IHP [website](#).

[41] A Council representative and/or officers were required by the Hearings Panel to attend the pre-hearing meeting to assist the Panel where necessary.

[42] Submitters and/or their representatives were encouraged to attend the pre-hearing meeting, but attendance was not compulsory.

### **Expert Conferencing**

[43] If any submitter, or the Council are calling expert witnesses<sup>1</sup>, then they are required to co-ordinate conferencing of their respective experts on matters relevant to their specific areas of expertise. The aim of such conference is to identify areas of agreement and disagreement on the issues relevant to that hearing topic.

[44] The Hearings Panel will make available a facilitator(s) between ~~18 and 29~~ **21 September and 3 October** 2023 to assist with expert conferencing, if requested by either the Hearings Panel or one or more of the parties.

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<sup>1</sup> An expert witness is someone who by virtue of their qualifications and or relevant experience, is able to offer an independent (unbiased) opinion of the outcomes being sought in this Plan Change. Expert witnesses are required to adhere to the Environment Court Code of Conduct for Expert witnesses available [here](#).



[45] During the hearing, the Hearings Panel Chairperson may request a group of two or more expert witnesses to answer questions from a Hearings Panel at the same time (sometimes referred to as “hot tubbing”) at particular a hearing session. This process will enable questioning from a Hearings Panel on their areas of expertise and the factual matters and/or opinions they have expressed in prior written or oral evidence.

[46] A Hearings Panel will have the same expectations of expert witnesses (including in expert conferencing or in a hot tub session during a hearing) as set out in the Environment Court’s Practice Note<sup>2</sup>, including in particular:

- (a) An expert witness has an overriding duty to assist the Hearings Panel impartially on matters within the expert’s area of expertise; and
- (b) An expert witness is not, and must not behave as, an advocate for the party who engages the witness. Expert witnesses must declare any relationship with the parties calling them or any interest they may have in the outcome of the proceedings.

[47] The Council has been requested to prepare a proposed list and schedule of expert witness conferencing to be provided to the Secretariat and circulated by 31 August 2023.

## **Hearing Schedule**

[48] It is the Hearings Panel’s intention to hold the hearing of submissions commencing on 10 October 2023 and continuing until 30 November 2023 with a further six days scheduled 30 January to 1 February 2024 and 13 to 15 February 2024. The Hearings Panel will:

- Commence with a Strategic Overview by the Council
- Hear from submitters with general feedback on PC 14.

Then hear submissions on:

- Central City and Commercial Zones
- Residential Zones
- Other Zones (e.g. Education, Cultural, Open Space and Industrial Zones)
- City wide qualifying and other matters (applicable irrespective of zone).

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<sup>2</sup> [Environment Court Practice Note](#)

The hearing schedule and hearing topics will be fine tuned, and may be subject to change.

- [49] Each hearing topic will include all relevant objectives, policies, rules (including zone specific qualifying matters), definitions and mapping changes associated with the topic.
- [50] Wherever practical submitters wishing to be heard will appear once to present their submission on all topics. Submitters will be contacted by the Secretariat to seek information on the hearing topic they wish to attend as relevant to their submission points, and the number and details of witnesses they intend to call.
- [51] Submitters who wish to attend additional hearing topic sessions to address their submission are able to request to do so. Where a submitter is appearing at more than one hearing topic any evidence called at earlier sessions is to be cross referenced, not repeated.
- [52] Where multiple submitters are intending on addressing the same matter(s) the Hearings Panel encourages them to present jointly or through one selected representative.
- [53] With the exception being where a submitter wishes to call an expert witness and the panel wishes to have that witness present their evidence at the same time as other common expert witness on a particular topic or issue, then a submitter or the Council may need to make that witness available at an additional or separate time to the submitter or Council's substantive presentation.
- [54] The hearings will generally be held up to three days per week (Tuesday to Thursday), although parties will need to be available for further witness conferencing if so directed by the Hearings Panel outside of those hearings' days. The Hearings Panel may need to schedule some hearings to commence on a Monday and/or a Friday in some circumstances with prior notice.
- [55] The Hearings Panel will sit on Friday 13 October 2023, but not on Tuesday 17 October 2023.
- [56] The schedule for all hearing topics will be available on the IHP [website](#). The schedule is subject to change as the hearings proceed, with appropriate notice.
- [57] The format of the schedule will provide submitters with guidance on when they should attend the hearing to be ready to present during the morning or afternoon session on their scheduled hearing day.

[58] Parties may request leave from the Chair for submitters and/or expert witnesses to attend the hearing to provide submissions and /or evidence via audio visual link. Such requests must be made to the Secretariat at least five working days prior to the date at which the witness or submitter is scheduled to appear along with an outline of the reasons for the request.

[59] The consideration of, and a decision on, any such a request will be guided by the following principles:

- (a) It is the Hearings Panel’s preference to hold hearings “in person” whenever possible.
- (b) The need to account for the health and wellbeing of participants including any government health requirements.

## **Notice of Hearing and Speaking Timetable**

### Notice of Hearing

[60] The Secretariat will formally notify submitters of the commencement of hearings in late August 2023.

### Speaking timetable

[61] The Council will be provided with an opportunity to open the hearing on 10 and 11 October 2023 with a strategic overview of the plan change to assist the Hearings Panel. The Hearings Panel has requested that the Council provide and speak to a range of information on PC 14 at the commencement of the hearings.

[62] S42A Reports will be taken as read. At the commencement of each hearing topic the Council will make available the s42A Report writers and any other expert witness that the s42A Report writer relies on for questions from the Hearings Panel and/or cross examination by parties on the topic.

[63] Submitters will be given a 15 minute speaking time plus 10 minutes per witness. If further time is required, then a submitter must apply to the Chair, via the Secretariat, 15 working days before the commencement of the hearing. Any requests for additional time must include the time required and the reason for the additional time, including the number of witnesses and the nature of their evidence. The Secretariat will let submitters know by

email whether their request has been approved within three working days of making the request.

[64] Submitters are strongly encouraged to focus evidence and presentation time on the specific plan provisions that they support or seek change to. The Hearings Panel does not require presentation of material providing background or corporate information about the submitter. If background and or corporate material is considered by the submitter to be relevant to their presentation, then this should be contained in an appendix to their written evidence or submission and need not be read out to the Hearings Panel.

[65] The Hearings Panel will strictly enforce timelines and will restrict undue repetition by submitters and witnesses.

#### Booking a time to be heard

[66] In the notification email, the Secretariat will advise of the available dates for hearings related to their submission and ask submitters to identify a preferred date and time that they wish to be heard (the schedule will be prepared on a first in first served basis).

[67] The Secretariat will publish an indicative hearing timetable on the IHP [website](#). The Secretariat will advise all confirmed speakers when the timetable is available. The timetable is subject to change and submitters are encouraged to review this daily.

### **Evidence preparation and pre-circulation**

#### Evidence Format

[68] All written evidence and submissions will be in the form of a compiled single PDF or MS word document, a minimum of 11pt font and 1.5 line spacing, with numbered paragraphs and be page numbered for ease of reference.

[69] Where any evidence proposes changes to Plan Change wording it must be provided in a marked-up version of the plan change clearing showing any suggested wording additions and deletions (along with the rationale for these changes) together with an assessment pursuant to S32AA of the RMA. Both of these documents should be provided as an attachment in MS word documents.

### Expert Evidence from Council including s42A Report.

[70] Reporting Officers must deliver their s42A report and expert evidence in chief to the Secretariat by 11 August 2023. The Secretariat will publish the information on the Hearings Panel [website](#).

### Submitter Evidence

[71] The IHP understands that many submitters may simply wish to speak to their original submission/further submission at the hearing. However, the Hearings Panel also anticipates that many submitters may wish to have written evidence in support of their submission(s) prepared by suitably qualified expert(s) and potentially have legal submissions presented on their behalf.

[72] Regardless of whether providing expert or lay evidence, submitters must not extend beyond the scope of their original submissions in terms of the alterations to the proposed plan change that they seek in their written, tabled or verbal evidence.

### Expert Evidence<sup>3</sup> Prepared for Submitters

[73] The Hearings Panel will pre-read all filed evidence in advance of the hearings. To enable the pre-reading to be undertaken in a timely fashion and to allow time for further expert witness conferencing, submitter's written expert evidence is to be provided to the Secretariat by **12 noon on 15 20** September 2023 (unless altered by further direction of the Chair).

[74] The Secretariat will publish all submitter expert evidence on the IHP [website](#) as soon as practicable following receipt of that evidence.

[75] Where an expert witness is appearing on behalf of several submitters on the same topic then a single brief of evidence should be prepared clearly indicating the submitters for whom they appear and the outcomes that submitter is seeking before offering their opinion.

[76] Where an expert witness is presenting evidence on behalf of one or more submitters on a range of topics, then separate briefs on each hearing topic may be prepared clearly identifying the hearing topic, the submitter or submitters for whom they appear and the outcome the submitter is seeking and must also identify any other brief of evidence that

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<sup>3</sup> Expert Evidence as identified in the [Environment Court of New Zealand Practice Note 2023](#)

they have filed in relation to PC 14 (this can be added as a schedule or a footnote to the brief).

- [77] Expert evidence should include an executive summary of up to three single sided pages. At the hearing experts will not be asked to repeat an executive summary but will be asked if for any reason their opinions have altered before being asked questions by the Hearings Panel and/or subject to cross examination (if any).

#### Lay Evidence from Submitters

- [78] When a submitter speaks to their personal submission or the submission of an organisation that they represent (e.g. a residents' association or community group) from their personal or groups experience or perspective and are not a qualified expert, this is lay evidence. Submitters can present written lay evidence on the day of the hearing and read it aloud. It is not required to be pre-circulated. Submitters need to bring ten (10) copies of any written material to the hearing and supply an electronic copy to the Secretariat within two days of completing their presentation. Submitters must adhere to time limits set out in the hearing schedule so will need to prepare any written statement with that in mind.
- [79] Any submitter wishing to use a PowerPoint presentation is required to provide the PowerPoint in an electronic format to the Secretariat at least three clear working days prior to their scheduled hearing time. Where a file is too big to email, submitters should provide the material to the Secretariat via an appropriate file sharing platform on a data stick.
- [80] Where any lay submitter wishes to present photographs to support their submission, those photos should be individually numbered and accompanied by a short description, including the date when the photograph was taken if this is known.

#### Residents Associations and Community Groups

- [81] Submitters and/or representatives presenting on behalf of a resident's association or community of interest group (group) must provide a written statement detailing their groups approval or delegation for representation at the hearings, or if the group is unincorporated, a written statement detailing how they sought the views of their members in preparing the group's submission. This should include the total number of members and a map or description of the group's area of interest.

### Tabled Evidence (Other than Expert Evidence)

[82] Where a submitter or their representative is unable to attend the hearing for a particular topic, they may choose to provide written evidence to support their submission (tabled evidence). Submitters must provide any tabled evidence to the Secretariat at least five working days prior to the hearing on the topic commencing. Expert evidence is to be provided in accordance with the timetable set out at paragraph [73].

### Cross Examination

[83] Pursuant to RMA Schedule 1 [cl 98.\(4\)](#), the Hearings Panel may allow cross examination of expert witnesses. Any party wishing to cross examination a witness must make an application in writing to the Secretariat ten working days ahead of the scheduled appearance of the witness at the hearing. Applications must identify the parts of a witness's evidence that they wish to cross examine and how cross examination will assist the Hearings Panel. The party wishing to undertake cross examination must serve a copy of the application on the party calling the witness to be cross examined at the same time as the application is lodged with the Secretariat.

[84] For the avoidance of doubt lay witnesses will not be subject to cross examination, however, parties may seek clarification of matters addressed by lay witnesses through the Chair in appropriate circumstances.

### Rebuttal Evidence

[85] There may be limited circumstances where rebuttal evidence can be provided. Parties may request leave from the Chair to present rebuttal evidence.

[86] Any party wishing to submit rebuttal evidence must make an application in writing to the Secretariat by ~~29 September 2023~~ **12 noon on 3 October 2023**. Applications will be considered by the Chair and a decision issued by 5pm on ~~2~~ **4** October 2023. If leave is granted rebuttal evidence is required to be filed by 12 noon on 9 October 2023.

[87] Rebuttal evidence must be provided in accordance with the Environment Court Practice Note 2023.

## Notices and service of documents

- [88] All further information relating to hearings, including IHP minutes, directions and notices, and Council and submitter memorandum and evidence lodged with the IHP, will be published on the IHP [website](#).
- [89] These hearing procedures, and any amendments made by future Minute or direction issued by the IHP, detail the due dates for the lodging of evidence and pre-circulation.
- [90] Pre-circulation of evidence means providing a written or electronic copy of a brief of evidence to:
- The Council and every other submitter who is to be heard at a hearing (at their address for service being an email or postal address) except as allowed by paragraph [92]
  - The IHP Secretariat.
- [91] Pre-circulation of evidence is the responsibility of the person who calls that evidence.
- [92] Where written evidence is lodged with the IHP Secretariat by ~~3pm~~ **12 noon** on the day that it is due it shall be deemed as pre-circulated by the party who has submitted it when it is published on the IHP [website](#), provided the evidence is supplied in the format required by paragraphs [68] and [69]. This does not shift responsibility for pre-circulation of evidence to the Secretariat. The Secretariat will endeavour to publish submitter evidence as soon as practicable following receipt of that evidence.
- [93] If Council or any submitter does not lodge their evidence with the IHP Secretariat by ~~3pm~~ **12 noon** on the day that it is due then they must ensure that evidence is pre-circulated to the Council and every other submitter to be heard on the hearing topic by alternative means.

## **Legal Submissions**

- [94] Where a submitter has engaged a lawyer (legal counsel), that counsel may present legal submissions at a hearing within the time allocated to the submitter in the schedule. Legal submissions must be provided to the Secretariat five working days prior to the submitter's allocated speaking time.
- [95] Submitters are requested to limit legal submissions to 10 single sided pages, excluding any appendices. Legal submissions filed by Council are not subject to a limit.



[96] Legal submissions must provide an electronic link to all case law referred to. Commissioners do not require hard copies of case-law – unless asked for on a case-by-case basis.

### **Protection of sensitive information**

[97] The Chairperson or Deputy Chairperson may, of their own motion or on application of any party to any hearing make an order that the public are to be excluded and/or that the publication of any information supplied to a Hearings Panel may be prohibited or restricted in accordance with RMA section 42 or the Local Government and Official Meetings Act 1987 (LGOIMA). Such orders may be made where the Chair or Deputy Chair is satisfied that the order is necessary to avoid serious offence to tikanga Māori or to avoid disclose the location of waahi tapu; or to avoid disclosure of a trade secret or unreasonable prejudice to the commercial position of a person who supplied, or is the subject of, the information.

### **Hearing Sessions and Protocols**

[98] The Hearings Panel's intention is to manage a hearings process that is appropriate, fair, efficient and without unnecessary formality.

[99] Each hearing topic will consist of:

- (a) Opening karakia
- (b) Hearing Panel Chairperson's introduction and call for conflicts of interest
- (c) Presentation by Council on the hearing topic as follows:
  - Opening submissions by counsel representing the Council
  - s42A Report author(s), highlighting any changes to recommendations since filing the Report
  - Council expert witness evidence
  - Cross examination and re-examination of experts including s42A writers, (if any)
  - Questions from the Hearings Panel.

- (d) Presentations by individual submitters in order set out in the hearing schedule following the following format:
- Opening legal submissions of submitter or overview by representative
  - Presentation of (expert and lay) evidence by submitter
  - Cross examination and re-examination of submitter expert witnesses (if any)
  - Questions from the Hearings Panel.
- (e) Closing karakia at the appropriate adjournment of hearing topics
- (f) Council's right of reply. At the conclusion of hearings, the Council, through legal counsel may respond to any changes to Council officer recommendations considering submissions and evidence presented by submitters. The reply is to be in writing and lodged with the Secretariat by 29 February 2024. The Secretariat will publish the written reply on the IHP [website](#).

#### Health and Safety

[100] All attendees at hearings must adhere to any health and safety requirements or practices put in place by the Hearings Panel, the hearings venue or by government direction.

[101] As outlined in paragraph [58] application for attendance by audio visual link will be permitted for reasons of the health and wellbeing of participations or to comply with government health requirements.

#### Formal Records

[102] All material including written submissions, evidence, and verbal evidence in response to questions presented to the Commissioners becomes hearing evidence.

[103] A digital recording (video and audio) will be made of each hearing session to assist the Panel with deliberations. The IHP may direct the Secretariat to suspend digital recording for the presentation of sensitive information (under s42 of the Resource Management Act 1991 or LGOIMA).

[104] If practical due to technical and venue constraints, the proceedings will be live streamed via the IHP [website](#). The recording of the hearing session will be available on the IHP [website](#).

### Conclusion of the Process

[105] At the conclusion of hearings on all topics, the Hearings Panel will complete a report with recommendations on PC 14 to the Council.

[106] The Hearings Panel will not issue interim or staged decisions.

[107] The Council will consider the recommendations, make final determinations (decisions), and direct the timing for the release of the decisions.

### **Friend of Submitters service**

[108] A Friend of Submitters service is available to assist submitters. To access this independent service submitters and further submitters can contact Jane West, email [CHCHPC13-14@jwest.co.nz](mailto:CHCHPC13-14@jwest.co.nz) or call 03 324 3324.

Dated 15 August 2023



Cindy Robinson  
Chair  
for Independent Hearings Panel

**Updated 23 August 2023 to reflect IHP Minute 6**