



Hearings Committee

Te Komiti Whakatau Waeture

Wednesday, 11 December 2024
Rāapa, 11 Hakihea 2024

Mataatua Room (Chambers), Bay of Plenty Regional Council
5 Quay Street Whakatāne 3120
commencing at 9:00 am

Chief Executive: Steven Perdia
Publication Date: 8 December 2024

TABLE OF CONTENTS

1	Hearings Panel	4
2	Hearing Process	4
3	Hearing Schedule	7
4	Hearing Minute	9
5	Hearing Documents Referenced	12

1 Hearings Panel

1 Hearings Panel

Rob van Voorthuysen - Chairperson

Judith Makinson

Elva Conroy

2 Hearing Process



WHAKATĀNE DISTRICT COUNCIL
PLAN CHANGE: 8 HUNA ROAD

Minute 1
DIRECTIONS OF THE COMMISSIONERS

**Whakatāne District Council
Plan Change: 8 Huna Road
DIRECTIONS OF THE COMMISSIONERS**

Introduction

- [1] Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Whakatane District Council (WDC) has appointed independent Commissioners Rob van Voorthuysen, Elva Conroy and Judith Makinson to hear and decide the submissions and further submissions on Plan Change 8 Huna Road (PC8).
- [2] The purpose of this Minute is to set out the timetable for reporting, evidence and legal submissions exchange.

Hearing

- [3] The Hearing is scheduled to commence on **Wednesday 11 December 2024** at the Bay of Plenty Regional Council offices on Quay Street, Whakatāne.
- [4] The Hearing will commence at **9:00 am**.
- [5] The following directions relate to the Hearing:
- (a) The order of appearance will be:
 - WDC as Proponent of PC8
 - Submitter(s)
 - Section 42A Report author response (WDC)
 - WDC as Proponent of PC8 Right of Reply
 - (b) A Section 42A Report¹ from WDC (in their regulatory capacity) will be available on or before **Tuesday 19 November 2024**, allowing Submitters to have regard to its contents when preparing their evidence. It would be extremely helpful to the Commissioners if the Submitters could indicate in their evidence if they agree or disagree (with reasons) with the Section 42A Report author's recommendations.
 - (c) Pursuant to section 41B(3) of the RMA, Submitters who intend to call expert evidence in support of their submissions are directed to provide a written statement of that evidence to the Hearing Administrator no later than **4.00pm on Tuesday 3 December 2024**.
 - (d) If Submitters intend to provide written evidence themselves, or have non-expert people appear on their behalf, then they are requested and strongly urged to also provide a written statement of that evidence to the Hearings Administrator no later than **4.00pm on Wednesday 3 December 2024**.
 - (e) If evidence to be presented by non-expert people is not provided to the Hearing Administrator by the above date, then those people should bring ten (10) hard copies to the Hearing.
 - (f) If the WDC as Proponent of PC8 or any Submitters propose to have legal counsel present opening legal submissions, they are requested to provide those submissions to the Hearings Administrator no later than **4.00pm on Monday 9 December 2024**.
 - (g) All original submissions, pre-circulated evidence and legal submissions will be taken as read at the Hearing. Accordingly, pursuant to section 41C(1)(b) of the RMA, the Commissioners direct that all such material will not be read aloud at the Hearing, as that would be an inefficient use of time as the Commissioners will have already read it.
 - (h) At the Hearing the WDC as Proponent of PC8 may table and read aloud supplementary or rebuttal evidence responding to the Section 42A Report any evidence lodged by Submitters. The

¹ A Section 42A Report includes a discussion of the application and the submissions. It recommends (with reasons) whether requests made by submission should be granted or not. That recommendation does not bind the Commissioners.

2 ~12~Hearing Process~~(Cont.)



WHAKATĀNE DISTRICT COUNCIL
PLAN CHANGE: 8 HUNA ROAD

Minute 1
DIRECTIONS OF THE COMMISSIONERS

Commissioners anticipate that any such supplementary or rebuttal evidence will be concise.

- (i) All people appearing at the Hearing will be allowed to verbally and briefly highlight key points from their evidence or legal submissions for the benefit of the Commissioners. The Commissioners will then ask any questions he may have.
- (j) Should any Submitter wish to speak in Te Reo, utilise Sign Language, or utilise visual aids (PowerPoint, etc) they are requested to liaise directly with the Hearings Administrator, as soon as possible, but prior to **Friday 22 November 2024** regarding their needs.
- (k) If any participant intends to attend the Hearing remotely (e.g. by way of Zoom) then they must ensure that a copy of all written material that they will refer to or read from (including speaking notes) during their presentation is provided to the Hearings Administrator no later than **4.00pm** on **Friday 6 December 2024**.

Correspondence

- [6] Participants must not attempt to correspond with or contact the Commissioners directly. All correspondence relating to the Hearing or this Minute must be addressed to the Hearings Administrator, Zoe Eleftheriadis.

Service on the Council

- [7] All evidence and legal submissions addressed by this Minute must be lodged with TCC:
 - Preferably by email to zoe.elftheriadis@whakatane.govt.nz
 - or
 - By post addressed to Zoe Eleftheriadis, Whakatane District Council, Private Bag 1002, Whakatane 3158.
- [8] Evidence and legal submissions lodged must be provided in **Microsoft WORD** format. The documents must be 'unlocked' so that they can be annotated by the Commissioners.

Rob van Voorthuysen
Hearings Commissioners
14 November 2024

3 Hearing Schedule

3 Hearing Schedule

Proposed Plan Change 8: Huna Road Hearing

Hearing Schedule

Date: 11th & 12th December 2024.

Venue: Chambers, Bay of Plenty Regional Council, Quay Street, Whakatāne and online

Independent Hearing Commissioners: Rob van Voorthuysen (Chair), Judith Makinson, Elva Conroy

Please note the intention is for 15 minutes per speaker with 5 minutes question time. Please note this is an indicative schedule only and will shift with the length of speaker and question time.

Wednesday 11 th December 2024		
Time	Party	Details
9.00am	Hearings Panel Chair	Introduction, housekeeping
9:10am	Whakatāne District Council as proponents and s42A	Nicholas Woodley - WDC Craig Batchelar - Planning Matt Bronka – Acoustics Howard Severinsen – Stormwater Joe Metcalfe - Transport
10:10 – 10:30am	Graham Barney Gray - Submitter 161	Developer of Shaw Road subdivision. Tim Fergusson - Planning
10:30am	Morning tea	
10:50am – 12:30pm	Dawn Parade 2012 Limited - Submitter 160	Owners of 234 & 234A State Highway 30. Tim Fergusson - Planning
	Paul and Monica Julian - Further Submitter 3	Owners of 12 Huna Road (Julians Berry Farm).
	Helen & Robyn Goile - Submitter 162	
	Ross Gardiner - Submitter 159	
12:30pm	Lunch	
1:30 – 3:30pm	Paroa Rugby & Sports Club - Submitter 166	Adjacent property. Jimmy McLean – Club President
	Ngāi Taiwhakaea Hapū - Submitter 29	Caroline Takotohiwi – Hapū Representative
	NZTA - Submitter 169, Further Submitter 2	Duncan Tindall - Traffic Ashleigh Peti - Planning
	Bay of Plenty Regional Council (BOPRC) - Submitter 164, Further Submitter 1	Deborah Ganley – Planning Sue Southerwood – Stormwater Engineering
3:30pm	Afternoon tea	
3:50pm	Whakatāne District Council response	Craig Batchelar
4:45pm	Hearing Commissioners	Process going forward. Close Hearing.

Thursday 12th December 2024 will be held in reserve for any overflow.

4 Hearing Minute

4 Hearing Minute



WHAKATĀNE DISTRICT COUNCIL
PLAN CHANGE: 8 HUNA ROAD

Minute 1
DIRECTIONS OF THE COMMISSIONERS

**Whakatāne District Council
Plan Change: 8 Huna Road
DIRECTIONS OF THE COMMISSIONERS**

Introduction

- [1] Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Whakatane District Council (WDC) has appointed independent Commissioners Rob van Voorthuysen, Elva Conroy and Judith Makinson to hear and decide the submissions and further submissions on Plan Change 8 Huna Road (PC8).
- [2] The purpose of this Minute is to set out the timetable for reporting, evidence and legal submissions exchange.

Hearing

- [3] The Hearing is scheduled to commence on **Wednesday 11 December 2024** at the Bay of Plenty Regional Council offices on Quay Street, Whakatāne.
- [4] The Hearing will commence at **9:00 am**.
- [5] The following directions relate to the Hearing:
- (a) The order of appearance will be:
 - WDC as Proponent of PC8
 - Submitter(s)
 - Section 42A Report author response (WDC)
 - WDC as Proponent of PC8 Right of Reply
 - (b) A Section 42A Report¹ from WDC (in their regulatory capacity) will be available on or before **Tuesday 19 November 2024**, allowing Submitters to have regard to its contents when preparing their evidence. It would be extremely helpful to the Commissioners if the Submitters could indicate in their evidence if they agree or disagree (with reasons) with the Section 42A Report author's recommendations.
 - (c) Pursuant to section 41B(3) of the RMA, Submitters who intend to call expert evidence in support of their submissions are directed to provide a written statement of that evidence to the Hearing Administrator no later than **4.00pm on Tuesday 3 December 2024**.
 - (d) If Submitters intend to provide written evidence themselves, or have non-expert people appear on their behalf, then they are requested and strongly urged to also provide a written statement of that evidence to the Hearings Administrator no later than **4.00pm on Wednesday 3 December 2024**.
 - (e) If evidence to be presented by non-expert people is not provided to the Hearing Administrator by the above date, then those people should bring ten (10) hard copies to the Hearing.
 - (f) If the WDC as Proponent of PC8 or any Submitters propose to have legal counsel present opening legal submissions, they are requested to provide those submissions to the Hearings Administrator no later than **4.00pm on Monday 9 December 2024**.
 - (g) All original submissions, pre-circulated evidence and legal submissions will be taken as read at the Hearing. Accordingly, pursuant to section 41C(1)(b) of the RMA, the Commissioners direct that all such material will not be read aloud at the Hearing, as that would be an inefficient use of time as the Commissioners will have already read it.
 - (h) At the Hearing the WDC as Proponent of PC8 may table and read aloud supplementary or rebuttal evidence responding to the Section 42A Report any evidence lodged by Submitters. The

¹ A Section 42A Report includes a discussion of the application and the submissions. It recommends (with reasons) whether requests made by submission should be granted or not. That recommendation does not bind the Commissioners.

4 ~12~Hearing Minute~~(Cont.)



WHAKATĀNE DISTRICT COUNCIL
PLAN CHANGE: 8 HUNA ROAD

Minute 1
DIRECTIONS OF THE COMMISSIONERS

Commissioners anticipate that any such supplementary or rebuttal evidence will be concise.

- (i) All people appearing at the Hearing will be allowed to verbally and briefly highlight key points from their evidence or legal submissions for the benefit of the Commissioners. The Commissioners will then ask any questions he may have.
- (j) Should any Submitter wish to speak in Te Reo, utilise Sign Language, or utilise visual aids (PowerPoint, etc) they are requested to liaise directly with the Hearings Administrator, as soon as possible, but prior to **Friday 22 November 2024** regarding their needs.
- (k) If any participant intends to attend the Hearing remotely (e.g. by way of Zoom) then they must ensure that a copy of all written material that they will refer to or read from (including speaking notes) during their presentation is provided to the Hearings Administrator no later than **4.00pm on Friday 6 December 2024**.

Correspondence

- [6] Participants must not attempt to correspond with or contact the Commissioners directly. All correspondence relating to the Hearing or this Minute must be addressed to the Hearings Administrator, Zoe Eleftheriadis.

Service on the Council

- [7] All evidence and legal submissions addressed by this Minute must be lodged with TCC:
 - Preferably by email to zoe.elftheriadis@whakatane.govt.nz
 - or
 - By post addressed to Zoe Eleftheriadis, Whakatane District Council, Private Bag 1002, Whakatane 3158.
- [8] Evidence and legal submissions lodged must be provided in **Microsoft WORD** format. The documents must be 'unlocked' so that they can be annotated by the Commissioners.

Rob van Voorthuysen
Hearings Commissioners
14 November 2024

5 Hearing Documents Referenced

5 Hearing Documents Referenced

All documents relevant to Plan Change 8, including statements of evidence and the Section 42A Report are available here:

<https://koreromai.whakatane.govt.nz/plan-change-8>