

**HEARING OF:**  
**Hamilton City Council, Waipā District Council and Waikato District Council Intensification Planning Instruments**

**INDEPENDENT HEARING PANEL**

**Direction #1**

**Hearing Procedures and Directions**

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## 1. Introduction

- 1.1. In response to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, tier 1 territorial authorities are required to notify changes or variations to their district plans by 20 August 2022 to incorporate the Medium Density Residential Standards (MDRS) and give effect to Policy 3 of the National Policy Statement – Urban Development. These changes or variations are Intensification Planning Instruments (IPIs) under section 80E of the Resource Management Act 1991 (RMA).
- 1.2. The tier 1 territorial authorities Hamilton City Council, Waipā District Council and Waikato District Council (the Councils) have established an Independent Hearings Panel (Hearing Panel) to hear their respective IPIs using the Intensification Streamlined Planning Process (ISPP).
- 1.3. These Hearing Procedures and Directions address the hearing of submissions and further submissions on the IPIs for the Councils. Separately, these IPIs are referred to as:
  - Plan Change 12 for Hamilton City Council;
  - Variation 3 for Waikato District Council; and
  - Plan Change 26 for Waipā District Council.
- 1.4. The Councils have appointed the Hearing Panel, which comprises Independent Commissioners:
  - David Hill (Chairperson);
  - Nigel Mark-Brown;
  - Vicki Morrison-Shaw; and
  - Dave Serjeant.
- 1.5. The Hearing Panel is acting under delegated authority from the Councils in accordance with clause 96 (1) of Schedule 1 of the RMA, and has the duties and powers set out in clause 98 of Schedule 1 of the RMA.
- 1.6. The Hearing Panel is required to make recommendations on the IPIs to the Councils, after it has heard the submissions, on whether to accept or reject the submissions received and any amendments to the provisions of the IPIs in accordance with clauses 99 and 100 of Schedule 1 of the RMA. Unlike the “standard” plan change process, the Hearing Panel is not limited in making its recommendations by the scope of submissions made (as per clause 99(2)(b) of Schedule 1 of the RMA).

## 2. Schedule

- 2.1 The following timetable will apply to the ISPP:
  - a. Subject to Council resolutions, the Councils will notify their respective IPIs on 19 August 2022.
  - b. Subject to the IPIs being notified on 19 August 2022, the following timetable dates are intended to apply.
  - c. Submissions will open on 19 August 2022 for 30 working days, closing on 30 September 2022.

- d. Further submissions will open on 28 November for 10 working days, closing 12 December 2022.
  - e. A joint opening hearing on all of the IPIs will commence on 14 February 2023 for a period of 4 days, held at Hamilton City Council, Civic Reception Lounge, Ground Floor, Garden Place, Hamilton. This opening hearing will cover opening legal submissions and strategic planning evidence on behalf of the Councils and submitters.
  - f. May/June 2023 are set down for separate substantive hearings related to each of the Councils' IPIs. The specific dates and venue for each hearing will be advised closer to the hearing dates along with the timeframes for pre-circulation of evidence and legal submissions.
- 2.2 The opening hearing referred to in section 2.1(e) above will be limited to the presentation of legal submissions and strategic planning evidence which together will provide the panel with an overview of the approaches that each of the Councils have taken to the implementation of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. In particular, the presentations will focus on the approach to qualifying matters, and any departures from the direct application of the MDRS provisions. It is intended to be a 'scene setting' hearing that will help inform the panel of the key issues and assist it to determine how the later hearings of the substantive technical and lay evidence should best be conducted (including topic areas for expert conferencing as required by the Hearing Panel). Submitters who wish to participate in the opening hearing will be required to confine their legal and/or strategic planning presentations to this purpose.

### **3. Principles of the Hearings**

- 3.1 The Hearing Panel will establish a hearing procedure that:
- a. is appropriate and fair;
  - b. avoids unnecessary formality; and
  - c. recognises tikanga Māori.
- 3.2 In addition, the Hearing Panel will:
- a. be inclusive and acknowledge the broad range of interests, capability and capacity represented in submissions;
  - b. where practicable, use collaborative and active participation processes to enhance/complement the formal hearings process;
  - c. act in a fair and transparent manner in proceedings;
  - d. conduct an efficient process which minimises the costs and time to all parties involved in the hearing;
  - e. provide submitters with an adequate opportunity to be heard while, where necessary, limiting the length of oral presentations, avoiding repetition of information, and/or the presentation of irrelevant material;
  - f. give effect to Te Ture mō Te Reo Māori 2016/the Māori Language Act 1987, and receive evidence written or spoken in Te Reo Māori; and

- g. recognise New Zealand sign language where appropriate and receive evidence in sign language if required.
- 3.3 Timeframes and deadlines stated in this document are intended to balance competing considerations arising from:
- a. ensuring that submitters who wish to be heard have a fair hearing; and
  - b. conducting an efficient hearing process.

## 4. Communications from the Hearing Panel

4.1 Communications from the Hearing Panel may include:

- a **Procedural Minute**;
- a **Direction**;
- an **Advisory notice** – containing information applying to one or more of the parties;
- a **Notice of pre-hearing meeting**;
- a **Notice of expert conferencing**;
- a **Notice of Mediation** (or other alternative dispute resolution process);
- a **Notice of Hearing** – which sets out the dates, times and places (venues) of the hearing sessions; and / or
- **Interim Guidance**.

4.2 Communications from the Hearing Panel relating to procedural matters generally will be issued by the Hearings Coordinator on behalf of the Hearing Panel via the Councils' websites or, in some circumstances where the matters affect only a limited number of parties, they will be notified by email or post. The Hearings Coordinator will be Steve Rice.

## 5. Communications to the Hearing Panel

5.1 No person should communicate directly with the Hearing Panel or any member of the Panel except during a hearing session.

5.2 All communications (including all general enquiries, procedural requests and documents to be provided) to the Hearing Panel are to be sent to the Hearings Coordinator:

Email: [steve@riceres.co.nz](mailto:steve@riceres.co.nz)

Postal Address: 260 Anglesea Street, Council Building,

Hamilton City Council

Attn: City Planning

Private Bag 3010 Hamilton 3240

Phone: 07 838 6699

5.3 Every communication to the Hearing Panel must clearly state in its heading or opening paragraph:

- a. the name of the Council or submitter who, or on whose behalf, the communication is

- from;
  - b. the submission number (if known);
  - c. the name of the IPI; and
  - d. the relevant Hearing Topic name (if any).
- 5.4 Any communication or request made to the Hearing Panel, or any document provided to it will, unless good reason for withholding it exists under the Local Government Official Information and Meetings Act 1987 (LGOIMA) or s42 of the RMA, be treated as official information which is publicly available. Any requests or documents will be posted on the relevant Council's website unless in the Hearing Panel's opinion that is not appropriate.
- 5.5 Any communication that directly affects other parties (including a communication in relation to an issue, plan provision or site in which other submitters are interested) must be provided by the sender of that communication to those other affected parties where those affected parties can be directly identified.

## **6. Expert Witnesses and Expert Conferencing**

- 6.1 Expert witnesses are qualified as such by reference to section 7 of the Environment Court Practice Note 2014.
- 6.2 The Hearing Panel may, at any time prior to or during the hearings, and with the agreement of the parties on the terms set out below, direct that a conference of experts be held. Expert conferencing will normally only be directed where one or more specific issues which are the subject of expert evidence require separate conferencing.
- 6.3 Participation in expert conferencing (including communication related to any conference) is limited to the relevant experts. Submitters (who are not experts) and lawyers are not entitled to participate in this process. The Hearing Panel will require that the contact details of experts be provided so that its facilitators can make direct contact with experts to organise expert conferencing.
- 6.4 In the event of any doubt, the Hearing Panel will determine whether a person has the appropriate qualifications, independence, expertise or experience to be qualified to attend as an expert at an expert conference.
- 6.5 So that participating experts know in advance the opinions and reasons for those opinions of the other experts, a facilitator appointed by the Hearing Panel may direct the experts to prepare a summary of their expert opinion in advance of expert conferencing. All such summaries of expert opinion must be prepared in accordance with the Code of Conduct for Expert Witnesses (Appendix 3) of the Environment Court Practice Note 2014. All summaries of expert opinion are to be served on the facilitator and participating experts no later than five (5) working days prior to the expert conference.
- 6.6 The Hearing Panel expects expert witnesses to abide by the Environment Court Practice Note 2014, including in particular:
- a. an expert witness has an overriding duty to assist the Hearing 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 proceeding.

- 6.7 An expert conference may be facilitated by a person appointed by the Hearing Panel, or if appropriate, the expert conference may be self-managed. The facilitator or appointed member of the conference must prepare a report on the conference and provide it in writing or electronically to the Hearing Panel and the persons who attended the conference via the Hearing Coordinator no more than five (5) working days after the conference.
- 6.8 The report on the expert conference will take the form of a Joint Witness Statement (JWS) signed by each of the participating experts and must include the following:
- a. the matters and issues that are agreed between the experts (including key facts and assumptions, identification of any methodology or standards used by the experts in arriving at their opinions, and reasons for any differences in methodology and standards (if any));
  - b. the issues upon which the experts cannot agree and the reasons for their disagreement;
  - c. identification of published standards or papers relied upon in coming to their opinions, including identification of all material regarded by the experts as primary data; and
  - d. confirmation that in producing the statement the experts have complied with the Code of Conduct for Expert Witnesses.
- 6.9 Expert conferencing will not generally be open to non-expert observers, but may be attended by the section 42A reporting officer, especially if the experts are proposing track changes to the IPI provisions. Whether other parties' planners are then able to attend (or be the subject of separate plan conferencing) will be a decision for the Hearing Panel on request.

## **7. Mediation (Clause 8AA - Schedule 1 of the RMA)**

- 7.1 The Hearing Panel may, with the agreement of the parties, refer a matter to mediation or to another alternative dispute resolution process. The parties (including the section 42A reporting officer) will be advised of the scope of a mediation session and of the time, date and venue of the mediation by way of email, or by telephone.
- 7.2 The Hearing Panel will appoint a mediator(s) or a person(s) to facilitate the mediation or other process, and the person who conducts the mediation/process must report the outcome to the Hearing Panel. However, material will not be included in the report without a participant's consent if the material was communicated or made available by the person on a without-prejudice or confidential basis.
- 7.3 This report will take the form of a joint statement signed by the parties in attendance, where practicable, that will include the following matters:
- a. the names and contact details of the people who attended;
  - b. the matters and issues that were agreed among submitters and the resource management reasons supporting that agreement;
  - c. any matters or issues that were not agreed and a concise summary of the outstanding issues between the submitters.
- 7.4 Where practicable, parties attending a mediation session must be authorised to be able to agree, or otherwise settle, the matters and issues that are the subject of the mediation. Where such authority is not delegated, that is to be made known to the facilitator at the earliest opportunity.

- 7.5 Mediation will be undertaken in a proactive way by the appointed mediator(s). This may involve parties being contacted by mediator(s) prior to a scheduled mediation. Mediator(s) may also present questions to participants and/or request that certain matters be addressed prior to mediation.
- 7.6 With the agreement of parties, mediation may focus on a marked-up version of the relevant provisions of the IPI. This may be provided in advance by the Council but any other party may bring a marked-up version to the mediation.
- 7.7 Mediation is undertaken to arrive at joint statements of proposed changes to the proposed plan wording that address the relevant matters within s32AA of the RMA. Mediation towards joint statements may involve all parties or may involve only certain specified parties/submitters with an interest in the provisions being mediated.
- 7.8 Mediation can include the use of expert conferencing to determine matters of fact or expert opinion. This can occur as a subset to the mediation, with agreed positions on facts (between expert witnesses) being reported back into the on-going mediation.
- 7.9 Attending the mediation session(s) is not compulsory, but the Hearing Panel encourages parties to attend where the matter relates to issues raised in their submissions.
- 7.10 Mediation will not be open to members of the public or to submitters who are not directly involved in and invited to that mediation, but may be attended by the section 42A reporting officer, especially if the mediation is likely to result in track changes to the plan provisions.

## 8. Hearing sessions

- 8.1 Submitters who indicated on their submission or further submission that they wish to be heard will either be provided with a link to a booking system or advised how to book a preferred time slot manually to be heard. Those slots will likely relate to sessions (such as morning before tea break or first session after lunch) rather than specific times as flexibility is required to accommodate the way in which hearings progress as well as the fact that some submitters will not have ready access to the internet and/or email, and some may subsequently decide not to turn up on the day. If any submitter who stated they wished to be heard fails to appear at the hearing on their scheduled day and time slot, and does not reschedule another day and time slot with the Hearing Coordinator (subject to availability), the Hearing Panel may nevertheless proceed with the hearing if it considers it fair and reasonable to do so (section 40(3) RMA).
- 8.2 Submitters should therefore be aware that the Hearing Panel may make changes to the hearing schedule and to the order of speakers and may request submitters to come at a specific time. In addition, all notices of hearing sessions for each topic, and any updates, will be available on the Councils' websites. Note the hearing schedule will be updated regularly, and submitters should always check for the latest version, and if they have any questions about the schedule contact the Hearing Coordinator.
- 8.3 The Hearing Panel expects every submitter to organise their case to be succinct and focussed on the key issues and the specific changes that are sought to the relevant IPI. Where demand for hearing time exceeds the time available, the Hearing Panel may limit presentations in order to ensure that all submitters who wish to be heard get a reasonable opportunity for that to happen.
- 8.4 The Hearing Panel has not, at this stage, limited submitters' hearing time but considers that a maximum of 10 minutes would be an appropriate guideline for most submitters. Submitters can be confident that their submission has been pre-read by the Hearing Panel such that

repeating the submission itself is not required. When scheduling the hearings, the Hearing Coordinator may contact submitters to discuss how long they think their presentation before the Hearings Panel will take, if they have legal representation and/or any witnesses (including any experts).

- 8.5 If the Hearing Panel considers that there is likely to be excessive repetition by submitters who wish to be heard, the Hearing Panel may limit the circumstances in which parties having the same interest in a matter may speak or call evidence in support (section 40(2) of the RMA).
- 8.6 Hearing sessions will be open to members of the public to attend as observers unless there are reasons under LGOIMA (to the extent relevant or applicable) or s42 of the RMA (which relates to the protection of sensitive information) for requiring that the whole or part of a hearing session is held with the public excluded or by prohibiting or restricting the publication or communication of any information supplied to or obtained by the Hearing Panel.
- 8.7 No person other than the Chairperson or other member of the Hearing Panel may question any party or witness. Cross-examination is only permitted with the approval of the Hearing Panel (clause 98(4) of Schedule 1 of the RMA).
- 8.8 Hearings are likely to be a combination of in-person and virtual hearings, and submitter preferences will be invited and taken into account.

## 9. Format of Evidence

- 9.1 It is important for submitters to ensure that evidence is succinct and clearly sets out the issues and the changes being sought. Submitters therefore should:
  - a. provide an executive summary statement;
  - b. set out the relief sought in an appendix.
- 9.2 All statements of evidence and legal submissions shall be:
  - a. headed clearly with:
    - i) the name of the Council or submitter who or on whose behalf the document is being lodged, and the name of the witness (where relevant);
    - ii) the submission number(s) (if known);
    - iii) the type of document i.e., whether it is legal submissions, primary, supplementary or rebuttal evidence; and
    - iv) the date;
  - b. sequentially numbered paragraphs with coherently numbered or lettered subparagraphs; and
  - c. lodged electronically in either unsecured and searchable pdf or unsecured docx format.
- 9.3 Each submitter who requests a change to an IPI must present as part of their evidence an appendix which lists the changes they seek to the provisions of the relevant IPI, supported by amended text and/or drawings.
- 9.4 Changes to text shall be shown in marked-up format as underlined additions and struck-through deletions. Changes to text should not be presented using a tracked-change word processing tool because of the problems created by such tools for numbering and formatting.



Submitters must identify which submission(s) and submission point they are relying on for scope for those changes.

- 9.5 All expert evidence is to be prepared in accordance with the Code of Conduct for Expert Witnesses as set out in the Environment Court Practice Note 2014.

## 10. Pre-circulation of evidence and legal submissions

- 10.1 The following timetable will apply to pre-circulation of evidence and legal submissions for the opening hearing:
- Councils' reports (prepared in accordance with s42A of the RMA) and expert evidence related to strategic matters to be available on the relevant Council's website and submitted to the Hearing Coordinator by 23 January 2023;
  - Submitter's evidence (both expert and non-expert) related to strategic matters to be submitted to the Hearing Coordinator by 31 January 2023;
  - Any rebuttal evidence to be provided to the Hearing Coordinator by 7 February 2023; and
  - Opening legal submissions by all parties to be submitted to the Hearing Coordinator by 9 February 2023. The Councils may choose to submit joint submissions relating to matters that are common to all Councils.
- 10.2 Email notice of availability and a link to the s42A reports will be provided to all submitters by the Hearing Coordinator. The report will also be available at the relevant Council's offices and Libraries.
- 10.3 All evidence shall be provided to the Hearing Coordinator, and it will subsequently be uploaded to the relevant Council's website within 2 working days of the evidence due date. There are no further requirements for service on other submitters.
- 10.4 The purpose of pre-circulation of evidence is to ensure all parties, and the Hearing Panel, understand the issues that are to be presented prior to the hearing session commencing. It will also enable a much more efficient hearings process as evidence circulated in accordance with the timeframes specified will be pre-read by the Hearing Panel removing the need for that evidence to be read aloud at the hearing.
- 10.5 Rebuttal evidence (refer para 4.16 of the Practice Note) shall only be accepted as evidence before the Hearing Panel if it is strictly in rebuttal to matter(s) raised in evidence by another party and contains no material relating to new issues not previously raised in evidence. Rebuttal that simply restates primary evidence will not be accepted.
- 10.6 If any evidence is received after the due dates above, this will be loaded onto the relevant Council's website and email notification will be sent to all submitters that the evidence is available. Submitters who have not provided their email address will be phoned or sent a text message to notify them of the availability of the evidence. If they indicate that they want a follow-up letter, it will be mailed by standard post.
- 10.7 The Hearing Panel requires all parties to pre-circulate their opening legal submissions at least 3 working days in advance of the hearing session (or in accordance with any amended timetable). Both the Hearing Panel and submitters will be assisted if the Panel is able to pre-read legal submissions. Counsel can address 'late-breaking events' by way of addendum tabled at the hearing.
- 10.8 In the event that a submitter fails to pre-circulate expert evidence as required by the Hearing

Panel's directions, and subsequently seeks to introduce and rely on that evidence prior to or during the hearing, then a decision will be made by the Hearing Panel as to whether that evidence will be accepted.

## **11. Late or supplementary evidence**

- 11.1 Late or supplementary evidence will only be accepted at a hearing session:
- a. where circumstances make it necessary for such evidence to be provided; and
  - b. with the leave of the Hearing Panel.

## **12. Pre-reading of the submissions and the evidence**

- 12.1 The Hearing Panel will pre-read submissions and evidence in advance, provided it is received within the times specified above.
- 12.2 Before or at a hearing session, the Hearing Panel may (under s41C RMA):
- a. direct the order in which submissions and evidence are to be presented;
  - b. direct that submissions and evidence be recorded, taken as read, or limited to matters in dispute;
  - c. direct a submitter, when presenting a submission or evidence, to present it within a time limit; or
  - d. request a submitter to provide further information.

## **13. Hearing session presentation**

- 13.1 Hard copies (10) of any evidence or submissions to be presented at an in-person hearing session must be provided on the day. These must be provided on arrival to the Hearing Coordinator.
- 13.2 All expert and non-expert witnesses must attend hearing sessions in person (or by remote access facility if the Chairperson agrees to this and/or paragraph 14.2 applies) and confirm that the statement of the evidence they have produced is true and correct, unless otherwise directed by the Hearing Panel in any particular case.
- 13.3 Witnesses may read their summary statement and/or present a brief summary having reviewed other evidence (this may include a PowerPoint or other forms of visual material where this would better assist the Hearing Panel). Witnesses shall not read the balance of their statement/evidence unless so directed by the Hearing Panel. If PowerPoint or other forms of visual material are to be used, they are to be provided to the hearing coordinator at least three (3) working days before the specific hearing session so they can be loaded before the hearing. On request by a submitter or counsel, and with the leave of the Hearing Chairperson, a witness may take the Hearing Panel to any key diagrams, maps or other visual material that would assist the Hearing Panel to understand the evidence.
- 13.4 No person may produce additional evidence that is not in a statement of evidence lodged according to the timetable set by the Hearing Panel other than as specifically allowed by the Hearing Panel.
- 13.5 All submitters or their representatives will need to be prepared to:

- a. explain relevant figures, plans and tables in their evidence; and
- b. summarise any changes to their evidence including as a result of facilitation or conferencing.

## **14. Hearing Location and recording of hearings, and hearing using remote access**

- 14.1 The hearing sessions for the opening “overview” matters will be held at Hamilton City Council, Civic Reception Lounge, Ground Floor, Garden Place, Hamilton. Proceedings will be digitally recorded. Subsequent council-specific hearings will be advised in due course.
- 14.2 The Hearing Panel may direct in accordance with section 39AA RMA that a hearing or part of a hearing session be conducted using 1 or more remote access facilities. If a hearing or part of a hearing session is conducted using a remote access facility, where practicable the hearing will be live-streamed online to the public otherwise it will be recorded and the recording made publicly available on Council’s website after the hearing (subject to any grounds to exclude the public from all or part of the hearing session under LGOIMA (to the extent relevant or applicable) or s42 of the RMA).
- 14.3 If any submitter wishes to present at the hearing using a remote access facility, they will need to advise the Hearing Coordinator at least 5 working days in advance of the hearing to make arrangements.

## **15. Absence of Independent Commissioners from all or part of a hearing**

- 15.1 The hearings will be attended at all times by the Independent Commissioners appointed by the Councils to the Hearing Panel, unless exceptional and unforeseen circumstances arise including (but not limited to) illness, injury or bereavement.
- 15.2 In the event that one Independent Commissioner is unable to attend all or part of a hearing due to exceptional and unforeseen circumstances, the Chairperson shall, in consultation with the relevant Council’s planning team, determine the extent to which that person is able to participate in decision-making. In making this determination, the Chairperson shall have regard to the extent to which an absent Independent Commissioner is able to be informed of the proceedings (e.g. through being provided with written evidence and submissions, summaries of oral evidence and submissions, recordings etc) and the principles of natural justice.
- 15.3 In the event that more than one Independent Commissioner is unable to attend all or part of a hearing due to exceptional and unforeseen circumstances, the hearing will be adjourned and rescheduled.

## **16. Presenting in Te Reo Māori**

- 16.1 Any party, representative or witness may speak in Te Reo Māori at a hearing session. The hearing coordinator must be informed of the intention to use Te Reo Māori at least 10 working days prior to the hearing session so that an interpreter can be arranged. Any karakia or mihi will not be translated into English unless requested before the hearing.

## 17. Presenting in New Zealand Sign Language

- 17.1 Any party, representative or witness may present in New Zealand Sign Language. The hearing coordinator must be informed of the intention to use New Zealand Sign Language at least 10 working days prior to the hearing session so that an interpreter can be arranged.

## 18. Assistance

- 18.1 Any person seeking assistance in relation to the Hearing Panel's procedures may contact the hearing coordinator.

## 19. Glossary

- 19.1 When used in this Hearing Procedures document, these words are intended to have the following meanings:
- a. **Chairperson** means the Chairperson of the Hearing Panel;
  - b. **expert conferencing** means a process by which expert witnesses confer and attempt to reach agreement on issues, or at least to clearly identify the issues on which they cannot agree, and the reasons for that disagreement. Such a conference is a structured discussion between peers within a field of expertise which can narrow points of difference and save hearing time (and costs). All experts have a duty to ensure that any conference is a genuine dialogue between them in a common effort to reach agreement about the relevant facts and issues;
  - c. **expert witness** means a person who would be recognised by the Hearing Panel as an expert in his or her field by reason of relevant qualifications and/or experience;
  - d. **Hearing** means the overall process undertaken by the Hearing Panel under Part 4 of the RMA;
  - e. **hearing session** means a particular session at which submissions are heard by the Hearing Panel as part of the hearing;
  - f. **IPI** means an Intensification Planning Instrument under s80E of the RMA;
  - g. **ISPP** means the Intensification Streamlined Planning Process under Part 6 of Schedule 1 of the RMA;
  - h. **LGOIMA** means the Local Government Official Information and Meetings Act 1987;
  - i. **mediation** is a process of assisted negotiations to discuss a dispute and work toward a solution that is acceptable to all parties rather than have the decision-maker impose an outcome on the parties;
  - j. **member of the public** means any person who is not a submitter, a witness, a representative of the Councils, a member of the Hearing Panel or one of the support staff assisting the Hearing Panel;
  - k. **non-expert witness** means a witness who is not an expert witness and includes a submitter giving evidence;
  - l. **representation** means the case or arguments advanced in support of a submission and may include legal submissions;

- m. **RMA** means the Resource Management Act 1991;
- n. submission —
  - a. means a written or an electronic submission received by the Councils on an IPI; and
  - b. includes a further written or electronic submission on the IPI;
- o. **submitter** includes a person representing a submitter or further submitter.



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David Hill  
Hearing Panel Chairperson  
Date: 19 August 2022