

**WESTERN BAY OF PLENTY DISTRICT COUNCIL**  
**PROPOSED PLAN CHANGE 92**

Ōmokoroa and Te Puke Enabling Housing Supply and other supporting matters  
&

**Notice of Requirement**  
Ōmokoroa Active Reserve

**HEARING DIRECTION 1 – 7 July 2023**  
**INDEPENDENT HEARING PANEL**

You are a Submitter in relation to Plan Change 92, or the Notice of Requirement for Active Reserve Ōmokoroa. This first memorandum sets out the framework for the hearing process associated with these activities. Please note the requirements for Submitters, as set out below. Should you require any clarification, please make contact with the Hearing Manager for Western Bay of Plenty Council.

Contact details – Hearing Manager

Name: Chaquan Nepia

Direct dial: 0800 926 732

Email: [Pc92hearing@westernbay.govt.nz](mailto:Pc92hearing@westernbay.govt.nz)

**Plan Change 92 & Notice of Requirement – Introduction**

On 20 August 2022 Western Bay of Plenty District Council ('Council') publicly notified Plan Change 92 (Ōmokoroa and Te Puke Enabling Housing Supply and other supporting matters) to the Western Bay of Plenty District Plan.

Proposed Plan Change 92 is an Intensification Planning Instrument (IPI) under section 80E of the Resource Management Act 1991 (RMA). In accordance with the requirements of section 80E of the RMA, Plan Change 92 introduces the new Medium Density Residential Standards (MDRS) to the existing residential areas of Ōmokoroa and Te Puke. New residential areas are also being added to these towns to increase potential housing supply in these popular locations.

A Notice of Requirement (NoR) for Active Reserve – Ōmokoroa, was also publicly notified alongside Plan Change 92 under section 168A of the RMA. This site is located at the corner of Ōmokoroa and Prole Roads. The purpose of this is to provide additional recreational facilities that will serve the projected growth in population in the area as a result of Plan Change 92.

These two matters are being heard together.

63 submissions were received, and 13 further submissions were received in relation to Plan Change 92.

7 submissions were received in relation to the Notice of Requirement.

The Council has established an Independent Hearings Panel (Hearing Panel) to hear Plan Change 92 using the Intensification Streamlined Planning Process (ISPP) and to hear the Notice of Requirement.

The Council has appointed the Hearing Panel, which comprises Independent Hearings Commissioners:

- Greg Carlyon (Chair)
- Alan Withy
- Lisa Mein
- Pia Bennett

The Hearing Panel is acting under delegated authority from the Council 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.

The Hearing Panel is required to make recommendations on Plan Change 92 to the Council, after it has heard the submissions, on whether to accept or reject the submissions received and any amendments to the provisions of Plan Change 92 in accordance with clauses 99 and 100 of Schedule 1 of the RMA.

The Hearing Panel is required to hear the Notice of Requirement in accordance with s168A(2) of the RMA.

## **Principles of the Hearing**

The Hearing Panel has established hearing procedures that will operate on the following basis:

- Are appropriate and fair
- Avoid unnecessary formality
- Are efficient
- Recognise Tikanga Māori
- Work with Submitters to provide for their specific needs within the hearing process where possible

The District Council has appointed independent commissioners to hear this matter to avoid any actual or perceived conflict of interest. Should any party be concerned about conflict of interest for any of the commissioners those concerns should be provided in writing to the Hearing Manager prior to 20 July 2023. The panel Chair will address any matters raised on their receipt.

## **Hearing Schedule**

The hearing is set down for the period 11-15 September 2023.

Expert conferencing is set down for the period 31 July to 4 August or soon thereafter. The elements for conferencing will be determined by the Panel and advised to parties. At this stage it is most likely to involve the following disciplines:

- Planning
- Urban design
- Transport

If a pre-hearing meeting is scheduled, it will occur in the week of 31 July – 4 August.

The pre-hearing and expert conferencing will be independently facilitated.

## **Preparation for Hearing – Submitters**

The council has a dedicated Hearing Manager appointed for the process ahead. The Hearing Manager is available to assist all parties, as they prepare for their presentation to the hearing. Submitters will receive a request from the Hearing Manager by 12 July 2023 to provide the following details.

- Confirmation that the party wishes to be heard (as per submission)
- Confirmation that they will be represented or not
- Confirmation that they will have expert witnesses or other parties in support of their submission

The Hearing Panel generally expects parties to complete their submission and receive questions as required, within a 20-minute block. However, the Hearing Manager will work with all parties to confirm time requirements and schedule representation. It is critical that parties have the time required to present their case to the Hearing Panel, including the contribution of counsel or witnesses.

## **Availability of Hearing Materials**

The Hearing Panel has directed the pre-circulation of materials to improve the knowledge of participants and efficiency of the hearing process. Accordingly, the following schedule for supply of material to all parties is as follows:

1. Council reports and expert evidence circulated to all parties and available on the website by 5pm Friday 11 August 2023
2. Submitter's written evidence (expert and non-expert) with Council by midday Friday 25 August 2023
3. Submitter's written evidence (expert and non-expert) circulated to all parties and available on the Council's website by 5pm Monday 28 August 2023
4. Reply evidence circulated to all parties Midday Wednesday 6 September 2023.
5. Legal submissions provided to the Hearing Manager by Midday Wednesday 6 September 2023.

We note that a number of Submitters may wish to speak to their submission without the provision of further evidence. That is entirely appropriate. All material will be pre-read by the Hearing Panel. There will be no requirement for parties to read written material to the Hearing Panel.

## **Communication from the Hearing Panel**

All communication to parties will be via the Hearing Manager. Hearing Panel members should not be contacted by any party and will not respond to communication from any party. The Hearing Manager will bring any matters required to the attention of the Hearing Panel.

Communication to Submitters will be via the contact details provided in submissions, and all communication (including all hearing material) to parties, will be available on the Council's website at [westernbay.govt.nz](http://westernbay.govt.nz)

## Site Visits

The Hearing Panel will undertake a site visit in order to fully understand the context for the Plan Change and Notice of Requirement. The Hearing Panel will not have other parties in attendance. Where a Submitter believes it would assist the Hearing Panel to make a site-specific visit, to a property or other site, the Hearing Panel should be advised via the Hearing Manager, of the Submitter's request, by 25 August 2023. The determination on whether or not a site is visited, will rest with the Hearing Panel.

While Submitters or landowners may be present during a site visit, there will be no opportunity to discuss elements of a submission. The Hearing Panel will be focused on improving their knowledge of particular features of the site.

## Summary

The Hearing Panel looks forward to receiving submissions from parties to this important plan change process, being undertaken by Western Bay of Plenty District Council. The Council team and independent panel are focused on a hearing process that enables the best opportunity for Submitters. In turn, this will allow the Hearing Panel to make the strongest recommendations it can to the Council.



.....  
Greg Carlyon

Independent Hearing Panel, Chair

Contact details – Hearing Manager

Name: Chaquan Nepia

Direct dial: 0800 926 732

Email: [Pc92hearing@westernbay.govt.nz](mailto:Pc92hearing@westernbay.govt.nz)