

WESTERN BAY OF PLENTY DISTRICT COUNCIL
PRIVATE PLAN CHANGE 95
Pencarrow Estate Pongakawa

HEARING DIRECTION 3

This Direction follows from and is in addition to our first two directions, which were issued on the 16th of May 2024 and the 20th of August 2024 respectively. This Direction confirms and formalises the verbal directions given by Commissioner Kemble immediately prior to the adjournment of the hearing on 14th of November 2024.

Hearing Adjourned

As Commissioner Kemble advised on Thursday the 14th of November at 5.10 pm, the hearing into Private Plan Change 95 is adjourned pending the supply of further information, the completion of the site visit (which was postponed from Friday the 15th of November until 1pm on Friday the 22nd of November 2024 – due to inclement weather on the 15th of November and the limited availability of both commissioners between the 18th and 21st of November) and the completion of some preliminary deliberations (which will occur following our site visit) to discuss if we have all of the information we need to make a robust decision(s), or if we need further assistance from the parties.

Site Visit

As verbally directed by Commissioner Kemble, we **direct** that the parties are to set out, in writing, the areas that they would like Commissioner Whetu and Mr Kemble to visit on Friday the 22nd of November. All requests are to be submitted to Ms Coyle by the 5pm on Tuesday the 19th of November 2024.

Further Information

We **directed** the supply of an array of further information at the end of the hearing, some of which has already been provided (which we appreciate). Following, for completeness if a full list of the information that we **directed** be supplied:

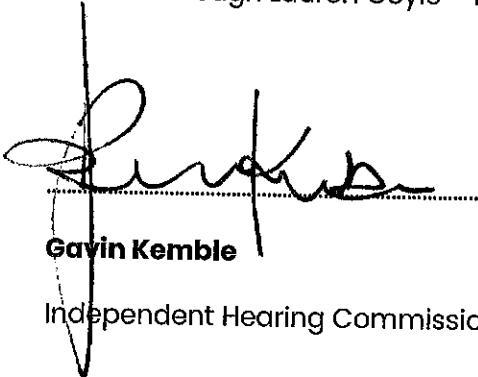
1. Mr Abraham's is to supply, by 5pm on Friday the 15th of November 2024, the amended brief of evidence he read out on the afternoon of the 14th of November [we note that this brief has been supplied]. The Commissioners will review this amended brief and issue any questions to Mr Abrahams in writing via an email to Ms Coyle. Ms Coyle will circulate our questions and, subsequently, Mr Abraham's responses (which are also to be set out in writing) to all of the parties. Our email to Ms Coyle will set out the timeframe associated with Mr Abraham's responses to our questions. Our email will also set out the timeframe for the Applicant to response to both Mr Abraham's


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amended brief and his answers to our questions. For completeness, we note that only the Applicant can provide a response to Mr Abraham's statement and his answers to our questions;

2. Ms Mark is to prepare and issue (again via Ms Coyle) a statement of evidence that formalises / explains the right of reply she verbally gave to us on the 14th of November 2024. This includes her reference to, and explanation of, specific parts and pages in the Smart Growth document. She is also, in her statement, to address the amendments to the text of the proposed plan change that were presented to the Commissioners by Mr Murphy on the morning of Thursday the 14th when he addressed his evidence and rebuttal briefs of evidence. Ms Mark's statement is to be issued to Ms Coyle by 5pm on the 22nd of November 2024, who will then distribute it to the parties and the hearing panel. We note that the hearing panel has already posed questions to Ms Mark regarding her presentation, so unless her statement contains a new detail or explanation that we did not fully understand on Thursday the 14th of November, we do not envisage having further questions for Ms Mark on her brief;
3. Ms Holden is to prepare a supplementary brief of evidence that address the amendments to the text of the proposed plan change that were presented to the Commissioners by Mr Murphy on the morning of Thursday the 14th when he spoke to his evidence and rebuttal briefs of evidence. Ms Holden's statement of evidence is to be issued to Ms Coyle by 5pm on the 22nd of November 2024, who will then distribute it to the parties and the hearing panel; and
4. With the exception of Mr Abraham's brief and his responses to any of our questions (which we will address in accordance with Bullet Point 1), the Applicant has until 5pm on Friday the 29th of November 2024 to issue briefs of reply evidence to the evidence that was called by the Western Bay of Plenty District Council on the 14th of November. These briefs are to be issued to Ms Coyle who will direct them to all of the parties and the hearing panel. We note at this juncture that this direction does not extend to the production of further legal submissions by Ms Hamm. Ms Hamm will be able to respond to all matters when we invite her to close the Applicant's case, which will be at some point in the future.

Please direct all enquires regarding this Direction, or related matters, should be sent to Council through Lauren Coyle – Hearing Manager at DistrictPlan@westernbay.govt.nz.



Gavin Kemble

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Independent Hearing Commissioner & Chair

Hearing Manager

Name: Lauren Coyle

Direct dial: 07 579 6605

Email: DistrictPlan@westernbay.govt.nz


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