

PRIVATE PLAN CHANGE 17: TE RAPA NORTH INDUSTRIAL

DIRECTION #1

INDEPENDENT HEARING PANEL

PURPOSE

1. The purpose of Direction #1 is to set out directions for the hearing of submissions on Private Plan Change 17: Te Rapa North Industrial (PPC17) and, in particular, to set out a timetable for evidence exchange.
2. This Direction also deals with a couple of preliminary matters.

PRELIMINARIES

3. Under section 34A of the Resource Management Act 1991 (RMA), Hamilton City Council (Council) has delegated to an Independent Hearing Panel (the Panel) comprising Vanessa Hamm (Chair) and Ian Munro, hearings commissioners, the hearing of and making decisions on PPC17.
4. PPC17 was publicly notified on 23 April 2025, submissions closed on 23 May 2025, and 18 submissions were received.
5. The further submission period ran from 24 June until 9 July 2025. Four further submissions were received.
6. The hearing is scheduled to commence on 2 December 2025 with three days being allocated, and an additional day reserved on 5 December 2025 should further hearing time be required.
7. A Joint Memorandum of Counsel on behalf of Hamilton City Council (HCC) and Fonterra Limited dated 31 July 2025 (the Memorandum) has helpfully been received which identifies preliminary procedural issues and proposes a timetable for the exchange of evidence.

DISCLOSURE

8. The Chair has noted that one of the submitters is Waikato-Tainui Te Whakakitenga o Waikato (Waikato-Tainui). The Chair is assisting Tainui Group Holdings Ltd (TGH) with one unrelated matter, and declares this out of an abundance of caution given that TGH is the commercial entity of Waikato-Tainui. She does not consider any potential or actual conflict to arise with her role as Chair. If however any parties have a different view, they are invited to make submissions on the matter by **Friday 8 August 2025**.

LATE SUBMISSION

9. The Memorandum advises that one submission was received after the expiry of the submission period. The submission is from Waikato-Tainui and was made 5 working days late on 30 May 2025.

10. The Memorandum advises that neither HCC nor Fonterra oppose a determination by the Hearing Panel to accept the submission, and accordingly, the late submission of Waikato-Tainui is accepted.

SUBMISSIONS “ON” PPC17

11. The Memorandum identifies that a number of submitters have sought that land which sits outside the notified PC17 area be rezoned from Te Rapa North Industrial Zone – Deferred Industrial Zone to Te Rapa North Industrial under PC17.¹
12. Accordingly, it will be a live issue at the hearing as to whether this relief sought is “on” PPC17 and therefore permissible, or not.
13. We agree that the submitters should have the opportunity to address the Hearing Panel on the question of whether the rezoning relief sought in each of the identified submissions meets the relevant legal tests and can therefore be considered by the Panel, and we make no directions at this stage.
14. We do however encourage the submitters to consider the applicable authorities on whether a submission is "on" the plan change, and address us about those at the hearing, in addition to the merits of the proposed relief.

EXCHANGE OF EVIDENCE

15. The Memorandum proposes a timetable for the exchange of reports, evidence and submissions / lay presentations as follows:
 - (a) Fonterra is to lodge any additional or updated Plan Change material with the Hearing Administrator by **4pm, 21 August 2025**.
 - (b) HCC is to lodge a planning report pursuant to s 42A of the RMA with the Hearing Administrator by **4pm, 11 September 2025**.
 - (c) Fonterra is to lodge its expert evidence-in-chief with the Hearing Administrator by **4pm, 7 October 2025**.
 - (d) Any submitters intending to present expert evidence at the hearing are to lodge their expert evidence-in-chief with the Hearing Administrator by **4pm, 30 October 2025**.
 - (e) Any rebuttal evidence is to be lodged with the Hearing Administrator by **4pm, 20 November 2025**.
 - (f) If the Panel directs expert conferencing to occur on any particular topic, it will be scheduled in the **week of 24 November 2025**.

¹ Set out at paragraph 6 of the Memorandum.

- (g) Any parties intending to present opening legal submissions at the hearing are to lodge their opening legal submissions with the Hearing Administrator by **4pm, 28 November 2025**.
 - (h) While written lay presentations are not required to be exchanged in advance of the hearing, the Panel strongly encourages pre-circulation of any written lay presentations at least three days in advance of appearing to avoid the need to read written material verbatim at the hearing.
16. For the avoidance of doubt “*expert evidence*” is in accordance with sections 8 and 9 of the Environment Court’s Practice Note 2023.
17. Having reviewed that recommendation, we agree that those dates provide sufficient time for parties to respond and prepare for the hearing, and adopt them.
18. The Hearing Administrator will advise all parties when any of the material required by the above directions are available and post them on Council’s website.

HEARING PROTOCOL

19. Unless otherwise advised by the Panel, witnesses will not be required to read their pre-circulated evidence in full at the hearing. Instead, a written summary should be prepared to be read and may include any evidence prepared in rebuttal – noting that rebuttal is not an opportunity to advance novel material nor to repeat points already made in primary evidence.

DIRECTIONS

20. Accordingly, the Panel directs as follows:
- (a) The late submission from Waikato-Tainui is accepted; and
 - (b) The timetable for the exchange of reports, evidence and submissions / representations is confirmed as per paragraph [15] above.

COMMUNICATIONS TO THE HEARING PANEL

21. All communications to the Panel, including all general enquiries, procedural requests and documents required by any direction of the Panel, are to be emailed to the Hearing Administrator at planchange@hcc.govt.nz.



Vanessa Hamm (Chairperson)
Independent Hearing Panel
1 August 2025