

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of hearing submissions and
further submissions on the
Proposed Waikato District Plan

AND

IN THE MATTER Continuation of Hearings
During the Covid-19 Level 4
“Lockdown”

MINUTE FROM HEARING COMMISSIONERS

27 March 2020

1. These are challenging and unprecedented times for New Zealand and for each of you. Please keep yourselves, whanau and friends safe and do everything you can to look after each other.
2. During Alert Level 4 Covid – 19 Lockdown period we are all confined to our homes and we have been told to work from there where that is possible. It is therefore no longer possible, or indeed appropriate, to continue with our current hearings format.
3. Given that situation, the Hearings Panel has been considering whether there may be alternative options available to allow for the hearing process to continue remotely in a modified form using the modern technology that is available to us.
4. Accordingly, we would like to outline to you our preferred method for continuing with the hearing process and invite your response.
5. The procedure that we prefer is set out below. We consider this is a way of promoting a positive contribution to the interests of submitters/further submitters, your representatives and Council, as well as minimising work disruptions by promoting working at home during what is clearly a difficult period.
6. Our proposal is that:

- a. All existing timeframes for the circulation of “paperwork” (i.e. section 42A reports, evidence, rebuttal evidence, legal submissions and evidence summaries) are unchanged through the Level 4 Covid-19 “lockdown” period.
 - b. The Hearing Panel, key Council staff and submitters would participate in the hearing via video conference, using “Zoom”. Zoom is a simple, but highly effective, web-based programme that can run on a desktop computer, laptop, tablet or smartphone. We would therefore be able to interact with each other in much the same way as would occur if we were all in the same room.
 - c. Submitters / further submitters would be sent a “meeting link” by email a few days before they are scheduled to appear at any hearing, and further instructions about how to connect and participate will be available in due course. Council staff will have some ability to assist submitters navigate and test “Zoom” on your device.
 - d. Members of the public, observers and other Council staff who wanted to, could observe a livestream of the proceedings, or an audio file of the hearing that would be posted on the Council website a short while after the hearing.
 - e. **We wish to stress that if we proceed with this option, there would be no compunction for anyone to participate in a Zoom hearing if they did not want to or could not - for any reason whatsoever.** Any submitter / further submitter in that position would only need to advise the Hearings Administrator of that position no later than 10 days before the scheduled start of that hearing. In such cases, alternative arrangements would be made to hear submissions in the normal way once the Covid-19 situation has been resolved.
 - f. All submitters / further submitters, including those to whom paragraph 6 e above relates, would still need to comply with our earlier Directions of 21 May 2019 and 26 June 2019 regarding the pre-circulation of evidence, rebuttal evidence, legal submissions and evidence summaries.
7. When considering your response to this proposal we encourage you to proactively investigate your ability to video conference, giving consideration to things such as computer/webcam/microphone capability, internet speed, and internet data cap etc.
 8. If what we propose does not find favour with submitters, another option could be to postpone the hearings until the Covid-19 situation has been resolved. Under that option, we would still require compliance with our existing evidence exchange timetable so that the hearings themselves can be expedited efficiently at a later date. This is not our preferred option.
 9. **We invite submitters to respond to our proposal by return email, to be sent to the Hearings Administrator, Ms Sandra Kelly, no later than midday on Wednesday 1 April 2020 – see paragraph 12 below.**
 10. Please note that Council staff will endeavour to phone those submitters who do not have an email address to discuss the contents of this Minute and obtain their views. In doing so,

staff will prioritise contacting those who made submissions on the hearings likely to be impacted by the Covid-19 “lockdown”.

11. Formal Directions will follow in due course, once we have considered any responses received.
12. Any questions concerning this Minute should be addressed to the Hearings Administrator. Her contact details are as follows:

Email Districtplan@waidc.govt.nz

Telephone 027 382 0021



P H Mitchell (Chair)

On behalf of Commissioners P Mitchell, P Cooney, J Gibb, D Fulton, L Te Aho, J Sedgwick and W Maag

27 March 2020