

HUTT CITY COUNCIL
RM220088
LAND USE CONSENT – DIGITAL BILLBOARD
47 THE ESPLANADE, PETONE
MINUTE 3 OF THE HEARING PANEL

Introduction

1. Following our second Minute issued in late May, the Panel has now finished reading the evidence presented by the Hutt City Council and the Applicant, along with our earlier advice that we have also read the submissions received. Most recently, the Panel undertook its first site visit on 10 June. We record our thanks to the Applicant for preparing the visual aid we requested in Minute 2 which assisted us in that task.
2. In advance of next weeks' hearing, we want to make one additional request of the Council and the Applicant, and more specifically of their respective planning experts, Mr Thornton and Mr Firth.
3. The purpose of this Minute is to formally make that request as it relates to the preparation of a consolidated document that records and addresses the relevant policy framework applicable to this application.

Context for request

4. Our request is made in the context of some observed variability in the provisions (objectives and policies) that have been identified as relevant by a range of expert witnesses. Namely:
 - a. there is some disagreement as to the relevance of provisions in national and regional planning instruments; and
 - b. while Mr Thornton has identified that, by definition in the City of Lower Hutt District Plan, a sign is considered to be neither a building nor a structure, a number of witnesses for both the Council and the Applicant have variously identified objectives and policies that appear on plain reading to relate to buildings and structures.
5. While we do not expect that our request will settle all points of disagreement on statutory interpretation matters, it is our hope that at the least, we can be provided with a consolidated document that captures all of the provisions that each party considers to be relevant. Where there is disagreement as to whether a provision is relevant, that disagreement and the reasons for it could be recorded.

Information sought

6. We consider that the exercise could most usefully be completed in a tabulated form, that records:
 - a. the relevant document (national/regional/local);
 - b. the provision name/number (and any disagreement of whether the provision is considered to be relevant);
 - c. the contents of that provision; and
 - d. an assessment of the proposal's consistency against that provision (a column for both the Council and the Applicant's planning experts may be necessary).
7. We have requested this matter now, rather than during or after the hearing, in the expectation that it will be useful to all parties and to the Panel in its questioning of witnesses at the hearing.
8. We note that while this matter may most usefully be addressed by Messrs Thornton and Firth, their view may well be informed by the advice of other witnesses. We also foreshadow that where witnesses have relied on provisions that may not be relevant, we will look to explore those matters through questions next week.

Timing

9. We acknowledge that this request is being made one week from the hearing. We would be grateful if the request could be addressed by **midday on Monday 17 June**. Provided that the planning experts can meet that timetable, we ask that they deliver the consolidated table to Mr Williams (clark.williams@huttcity.govt.nz) so that it can be circulated to us and placed on the application website prior to the hearing commencement.
10. In the first instance, we ask that both the Council and the Applicant provide us with a response through Mr Williams as to their ability to accommodate the request, acknowledging that preparing a response will also require some coordination between the parties.



J C Jones (Chair)
On behalf of the Hearing Panel

11 June 2024