
DIRECTIONS OF THE HEARINGS PANEL

MINUTE 1

PLAN CHANGE 2 – HOUSING AND CODE OF PRACTICE

1 INTRODUCTION

- [1] The hearing for Plan Change 2 is scheduled for **Wednesday 20th and Thursday 21st May 2026.**
- [2] The following directions and requests relate to the hearing.
- [3] The matters covered are:
- ✦ Hearing panel
 - ✦ Hearing format
 - ✦ Pre-circulation of material
 - ✦ Pre-hearing meetings and expert conferencing
 - ✦ Appearance times
 - ✦ Hearings administrator
 - ✦ Site visit
 - ✦ Correspondence
 - ✦ Service of documents
 - ✦ Deviation requests
 - ✦ Procedural queries
- [4] Other Minutes may be issued from time to time, either prior to or during the hearing.

2 HEARING PANEL

- [5] Invercargill City Council has appointed the following accredited RMA Decision Makers to form the Hearing Panel for Plan Change 2:
- Megen McKay – Chair and Independent Commissioner
- Cr Ria Bond
- Cr Trish Boyle
- Cr Darren Ludlow
- [6] The Hearing Panel has been delegated to hear and decide on submissions and further submissions on Plan Change 2.
- [7] A conflict-of-interest schedule for each Panel member is attached at Appendix 1. Panel members have disclosed any actual, potential, or perceived conflicts. The Panel is satisfied that no conflicts arise that would prevent participation, and any identified interests are appropriately managed.

3 HEARING FORMAT

- [8] The hearing will be held in the Council Chamber, at the Civic Theatre, 88 Tay Street Invercargill, and will commence at 9.00am each day and generally conclude by 5.00pm, unless otherwise advised.
- [9] There will be no cross-examination of witnesses by other submitters.
- [10] Each hearing day will commence with a brief introduction by the Chairperson followed by the hearing of submitters scheduled for that day.
- [11] On the first day of the hearing Invercargill City Council ("ICC") intends to provide a short opening address to provide context for Plan Change 2. The Section 42A Report author will provide a brief introductory summary of the key recommendations in the Section 42A Report. This is intended to assist the efficient conduct of the hearing. The Section 42A Report author will attend the hearing and be available to answer questions from the Hearings Panel.
- [12] The Hearings Panel may raise questions on the Section 42A Report directly with the Section 42A Report author during the hearing. If helpful for the efficient conduct of the hearing, the Panel may also collate and circulate questions prior to the hearing, together with any responses from the Section 42A Report author.
- [13] Following the conclusion of the hearing the Section 42A Report author will provide a written 'Reply Report' briefly outlining any amendments to their original recommendations and a response to any questions from the Hearings Panel arising during the hearing. Once the Reply Report has been received, the Hearings Panel will consider whether any further process is required and, if not, will formally close the hearing.

4 PRE-CIRCULATION OF MATERIAL

- [14] The efficient running of the hearing will rely on the timely pre-circulation of submitter evidence and legal submissions (if any). The pre-circulation of material is intended to minimise the time required for everyone to present their case at the hearing itself, but, at the same time, to ensure that everyone can fully participate in the hearing process.
- [15] Section 42A Report¹ and associated technical reports and evidence prepared by the ICC will be made available to participants no later than **Monday 20 April 2026**. The report will be posted on the Plan Change 2 website: [Plan Change 2: Housing and Code of Practice | Let's talk Invercargill](#).
- [16] This will allow submitters to have regard to the contents of the Section 42A Reports when preparing their written evidence or deciding what to present verbally at the hearing. It would be extremely helpful to the Hearings Panel if submitters could indicate in their evidence whether they agree or disagree (with reasons) with the Section 42A Report author's conclusions and recommendations.
- [17] The Section 42A Report author will attend the hearings and be available to answer any questions from the Hearings Panel. The Section 42A Report will constitute part of the

¹ The s42A Report includes a discussion of the submissions and further submissions. It recommends (with reasons) whether any changes should be made to the notified plan provisions in response to the submissions and further submissions. Those recommendations do not bind the Hearings Panel.

body of evidence to be considered by the Hearings Panel, alongside the evidence of submitters.

- [18] Pursuant to section 41B (3) of the RMA, submitters who intend to call expert evidence¹ in support of their submissions are directed to provide written briefs of that evidence to the Hearings Administrator no later than **12pm Monday 4 May 2026**. All expert witnesses presenting briefs of evidence are to include a summary statement that is no more than two A4 pages long at the beginning of their evidence.
- [19] If submitters intend to provide written evidence themselves, or have non-expert people appear on their behalf, then they are requested and strongly urged to also provide a written statement of that evidence to the Hearings Administrator no later than **12pm Friday 8 May 2026**. If a non-expert submitter does not precirculate a written statement, they may still speak to their submission at the hearing but should expect to focus on the key points they wish to make.
- [20] If any party intends to have legal counsel present legal submissions, they are requested to provide those submissions to the Hearings Administrator no later than **12pm Monday 11 May 2026**.

5 PRESENTATIONS

- [21] The Hearings Panel will take all original submissions, further submissions and pre-circulated written evidence and legal submissions as read at the hearing. Accordingly, pursuant to section 41C(1)(b) of the RMA, all participants are directed that they and their experts will not be required to read any such material aloud at the hearing. Reading that material aloud at the hearing would be an inefficient use of time as the Hearings Panel members will have already read it.
- [22] However, expert witnesses may be asked to speak to their summary statements, and submitters may be asked to highlight key points of concern for the benefit of the Hearings Panel members, who will then ask any questions they may have.
- [23] Should any submitter wish to speak in Te Reo, utilise Sign Language, or utilise visual aids (PowerPoint, etc) they are requested to liaise directly with the Hearings Administrator, as soon as possible, but no later than **Monday 27 April 2026** regarding their needs.

6 PRE-HEARING MEETINGS AND EXPERT CONFERENCING / CAUCUSING

- [24] The Panel understands that at this stage, ICC does not intend to hold a prehearing meeting.
- [25] The Panel encourages ICC staff and the Section42A Report author to hold discussions with submitters with the goal of furthering understanding issues raised and narrowing issues of concern. The outcome of such discussions should be set out in the Section42A Report.

¹ Expert evidence is that written by qualified planners, engineers, or scientists, for example, prepared in accordance with the Environment Court's Practice Note 2014 for expert witnesses.

- [26] Following the provision of expert evidence, the Hearings Panel may decide that it would be beneficial for expert witnesses providing evidence on a specific topic to confer and attempt to reach agreement on issues, or at least to clearly identify the issues on which they cannot agree, and the reasons for that disagreement.
- [27] If that is the case the Hearings Administrator will advise which expert witnesses the Hearings Panel requests to conference. If expert conferencing occurs, then a Joint Witness Statement (JWS) is to be prepared for each specific area of expertise. The expert witnesses should endeavour to provide the JWS to the Hearing Administrator prior to the hearing commencing, but the Hearings Panel appreciates that this may not always be possible. We assume that the JWS will be prepared by the relevant ICC expert witness (or Section 42A Report author) unless the experts agree otherwise amongst themselves.
- [28] The Hearings Panel may additionally request further expert conferencing during or after the hearing, together with the preparation of additional JWS's.
- [29] All expert witnesses, in both preparing and presenting their evidence as well as when attending expert conferencing, are expected to comply with the Environment Court Practice Note 2023 – Expert Witness Code of Conduct available at the following website [Practice-Note-2023-.pdf](#).

7 APPEARANCE TIMES

- [30] On or before **Wednesday 15 April 2026** the Hearings Administrator will contact submitters who have expressed a wish to be heard to confirm that they still wish to be heard. At that same time submitters will be requested to indicate how much speaking time they wish to have, and whether they intend to attend the hearing in person or online.
- [31] When requesting speaking times, submitters are reminded that the Hearings Panel members will have pre-read all the pre-circulated material (submissions, further submissions, evidence and legal submissions).
- [32] The exception to this will be for non-expert submitters who have not pre-circulated a written statement of evidence. In that case submitters will generally be given up to **15 minutes** to speak to their submissions and may provide concise speaking notes or a short-written statement at the hearing if that would assist.
- [33] Each hearing day will be divided into four sessions (before morning tea, before lunch, before and after afternoon tea) and each submitter wishing to be heard will be assigned to one of those sessions.
- [34] However, submitters should be aware that hearings often run either late or early and that should be borne in mind when deciding when to arrive at the hearing venue.

8 HEARINGS ADMINISTRATOR

- [35] The ICC Hearings Administrator is:

Name: Cat Manera

Email: cat.manera@icc.govt.nz

9 SITE VISIT

[36] The Hearings Panel members will visit the area affected by Plan Change 2 prior to the hearing. Other site visits may be undertaken during or after the hearing.

10 CORRESPONDENCE

[37] Submitters and other hearing participants must not attempt to correspond with or contact the Hearings Panel members directly. All correspondence relating to the hearing must be addressed to the Hearings Administrator. Any site visit is for the purpose of assisting the Hearings Panel to understand the relevant area and issues. A site visit is not part of the hearing and is not an opportunity for submitters or other participants to address the Hearings Panel. Any requests for particular locations or features to be viewed should be made in writing to the Hearings Administrator.

11 SERVICE OF DOCUMENTS

[38] All written material (evidence, hearing reports, JWSs and legal submissions) addressed by this Minute must be lodged with the Hearings Administrator in **Microsoft WORD** format by either:

- ✦ Preferably email to cat.manera@icc.govt.nz or
- ✦ Post addressed to Invercargill City Council – Private Bag 90104, Invercargill 9840

[39] All written material relevant to the hearings will be posted on the ICC Plan Change 2 webpage at: [Plan Change 2: Housing and Code of Practice | Let's talk Invercargill](#).

12 DEVIATION REQUESTS

[40] If any participant wishes to deviate from any timetable or other requirement identified in this Minute a written request to do so (inclusive of reasons) must be addressed to the Chair of the Hearings Panel and be provided to the Hearings Administrator. The Hearing Panel will consider and determine any such requests.

13 PROCEDURAL QUERIES

[41] If any submitter has a procedural query or wishes to raise a procedural matter prior to the hearing commencing, they must set that out in writing addressed to the Chair of the Hearings Panel and provide it to the Hearings Administrator prior to **14 May 2026**. It will then be decided whether a hearing is required to consider any such matters. Alternatively, the Chair of the Hearings Panel may issue a procedural decision or minute addressing the matter raised.



Megen McKay

**Independent Commissioner – Chair - on behalf of the ICC Plan Change 2
Hearing Panel** 2 April 2026

Appendix 1: Conflict of Interest Schedule

1 PURPOSE

[1] This schedule records any actual, potential, or perceived conflicts of interest held by members of the hearing panel, to ensure transparency and maintain public confidence in the decision-making process.

2 REGISTER

Panel Member	Interest Identified Details	and Type [Actual / Potential / Perceived]	Management Approach
Megen McKay	None identified	N/A	N/A
Ria Bond	None identified	N/A	N/A
Trish Boyle	None identified	N/A	N/A
Darren Ludlow	None identified	N/A	N/A

3 ONGOING OBLIGATIONS

[2] All panel members confirm that:

- They have disclosed all known conflicts of interest;
- They will promptly disclose any new conflicts that arise during the hearing process; and
- The Panel will determine appropriate management steps if new conflicts arise.