

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Submissions and Further
Submissions on the
Proposed Wellington City
District Plan

Minute 20:

Stream 3 Pre-hearing Directions

1. There are two matters we need to address before the commencement of the Stream 3 hearing on 9 May.
2. First, we have undertaken an initial review of the expert evidence filed for submitters. It is evident that a number of submitters have brought expert evidence to support their case to include or exclude buildings from the Heritage Schedule, contradicting the expert evidence of Ms Smith for the Council in this regard.
3. Our view at present is that we should not direct expert conferencing on these matters, and should allow the evidence to 'play out'. The nature of the debate, involving a site by site assessment would require Ms Smith to participate in multiple conferencing sessions with different counterparts. Quite apart from the shortage of time within which to undertake such conferencing, we consider that the Hearing Panel would be better served by having a detailed response from Ms Smith to the evidence that has been filed by way of rebuttal. We request, in particular, that Ms Smith advise us through rebuttal evidence of any cases where, having reviewed the evidence provided by submitters, she has changed her view. We emphasise that we are not implying that she should change her view on all or any of the disputed heritage listings, but we wish to have a clear understanding going into the hearing of which Heritage Schedule listings are in contention.
4. Secondly, we have received a request from Dr Keir and Ms Cutten to extend the period for provision of their expert evidence to this coming Monday 2 May. Their explanation is that their preparation for this hearing has been disrupted by Covid, and that the experts they wished to engage have had availability issues.
5. On our inquiry, they have advised us that they propose to provide two expert briefs, one from a registered architect and ICOMOS member responding directly to Ms Smith's evidence in relation to their property at 28 Robieson Street, and the second, an expert on public policy, who will give evidence on the analysis underpinning the Council's decision to list their home. We infer that the latter will support the extensive critique already contained in the written submission Dr Keir and Ms Cutten have provided.
6. While we are sympathetic to Dr Keir and Ms Cutten's position, their application comes too late and seeks relief that will prejudice the Council's position. The suggested date for providing this additional evidence is the day

before the Council's rebuttal is due. It would not be practical to extend the Council's rebuttal deadline, particularly if the evidence provided is extensive.

7. Dr Keir and Ms Cutten have queried whether this additional material would be better provided as an attachment/support to their own presentation. While it will lessen the weight we can give to it, we consider that that is the preferable course.



Trevor Robinson
Chair

For the Wellington City Proposed District Plan Hearings Panel
Dated: 27 April 2023