

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 10:

Stream 2 Timetabling and other Procedural Issues

Introduction

1. The Stream 2 Hearing Panel has received a Memorandum from the Council indicating that it will not be able to meet the timing directions in Minute 1 related to release of its Section 42A Report and supporting evidence (28 February). It seeks an extension of two working days (to 2 March).
2. We have also received a request from two parties seeking to present a case combining provisions currently allocated to two hearing streams, as follows:
 - (a) McIndoe Urban Limited (Submission #135) seeks to combine its case on design guides applying in the Residential, Centres and Mixed Use Zones;
 - (b) Thorndon Residents Association (Submission #333 and Further Submission #69) seek to combine their case on Residential Zones with that on the CCZ.

Timetabling Issues

3. The Hearing Panel is disappointed, to say the least, that the Council is unable to comply with its timetabling directions. While it understands that the task of analysing all submissions and providing an appropriate response is significant, the Council's inability to meet the previously fixed date has a cascading effect on the rest of the timetable.
4. That said, the hearing cannot proceed without a Section 42A Report, and it is in the interests of all parties, and the Panel, that the Section 42A Report be as comprehensive and complete as it can be.
5. We therefore reluctantly accept that the time for completion of the Stream 2 Section 42A Report and supporting expert evidence must be enlarged to 1pm on 2 March 2023.
6. That requires consequential amendments to the subsequent steps of the timetable.
7. We therefore direct a corresponding extension to advice that parties wish to be heard- to 1pm on 9 March- and to pre-circulation of submitters expert evidence – to 1pm on 16 March.
8. That in turn requires a corresponding enlargement of the timetable for rebuttal – to 1pm on 23 March.

9. We cannot provide the same enlargement for the provision of legal submissions. Therefore we direct that legal submissions and lay presentations/evidence longer than three A4 pages be filed not later than 1pm on 24 March, but with leave for parties to provide an addendum, addressing any matters arising out of rebuttal evidence that they are unable to include with their submissions/presentations (as applicable). Any such addendum should be filed by 1pm on 27 March.
10. Applications to cross examine, should be filed by 5pm on 24 March in order that we might consider and make directions in relation to such applications before the commencement of the hearing on 28 March.

Procedural Applications

11. Addressing first the application of McIndoe Urban Limited, we understand that from an efficiency perspective, it would assist the submitter to provide one statement of evidence on all design guides. The problem is that the Residential Design Guide will be considered by a different Hearing Panel to that considering the Centres and Mixed Use Design Guides. We are therefore unable to accommodate McIndoe Urban Limited's request. We are open to the submitter providing one brief of evidence addressing all design guides, but it will need to resubmit that brief of evidence in Stream 4 and appear to address those parts discussing the Centres and Mixed Use Design Guide in that hearing stream.
12. The application of Thorndon Residents Association poses a similar problem. We also note that the issues and objectives of the CCZ and Residential Zones are quite different and that the submissions on the zones reflect that. Although we are sympathetic to the Association's request given its status as a voluntary organisation and acknowledge the time constraints of its membership, the best we can offer it is the same solution as for McIndoe Urban, namely that it can submit one brief of evidence/ presentation addressing Residential and CCZ matters in Stream 2, but the Association will need to resubmit it in Stream 4.



Trevor Robinson
Chair

For the Wellington City Proposed District Plan Hearings Panel

Dated: 25 February 2023