

## Memorandum

Date: 26 January 2024

File ref: PDP Hearing  
Stream 6

To: Trevor Robinson, Chair, Proposed District Plan Independent Hearings Panel  
From: Stewart McKenzie, District Plan Advisor  
Cc: Michael Duindam, District Plan Manager; Adam McCutcheon, Team Leader  
District Plan

**Subject: Hearing Stream 6 - delay in providing notice of Development Areas s42A Report to submitters**

1. Due to an administrative error, submitters on the Development Areas chapters of the Proposed District Plan (PDP) did not receive notice of the Development Areas s42A Officers Report (s42A report) via email a minimum of 20 working days prior to the commencement of Hearing Stream 6 (HS6). HS6 is the hearing where these submissions are scheduled to be heard.
2. The requirement to notify relevant submitters of the publication of s42a reports 20 working days in advance of hearings is set out in 'Minute 1: Hearings Procedures' issued by the Independent Hearings Panel. Relevant sections below:
  45. Section 42A reports and any supporting expert evidence will be uploaded to the Hearings website a minimum of 20 working days prior to the hearing to which they relate.
  46. Once section 42A reports are available online, the Hearings Administrator will email submitters who indicated they wished to be heard on the relevant topic, providing an electronic (PDF) copy of the relevant section 42A report(s). Hard copies of the section 42A reports will also be available from the Hearings Administrator on request.
3. HS6 is scheduled to commence on Tuesday 20 February and notice of the s42A report should have been served on Development Areas submitters on Friday 19 January. Instead, submitters received notice of the s42A report on Thursday 25 January, 17 working days prior to the commencement of HS6.
4. There are 26 submitters affected in total by this delay in notice.
5. To ensure fairness and the avoidance of undue prejudice to submitters on Development Areas matters who wish to be heard, Council recommends extending the due date for submitter expert evidence by a commensurate three working days until Friday 9 February.
6. In addition, Council recommends extending the due date for Officer rebuttal evidence by three working days until Friday 16 February. All other relevant dates in relation to HS6 hearing timeframes and deadlines are recommended to remain unchanged.
7. Council apologises to submitters on the Development Areas chapters and the Hearings Panel for the inconvenience caused by the delay in notification of the Development Areas s42A report. I'm confident however that the recommended action of extending the

due dates for submitter expert evidence and officer rebuttal evidence still ensures fairness and the avoidance of undue prejudice for the affected submitters.

Yours Sincerely

A handwritten signature in blue ink that reads "Stewart McKenzie". The signature is written in a cursive style.

**Stewart McKenzie**  
District Plan Advisor  
Wellington City Council

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