

**Minute #4 of Independent Commissioner Hearing Commissioner  
127 and 141 Stewart Duff Drive  
Reference (SR) No. 519248**

**Hearing**

Further to the hearing on the 5<sup>th</sup> December 2022, I acknowledge the receipt of the response to questions from Mr Bell and the Joint Witness Statement (JWS) on conditions.

During the hearing, I was disappointed to not to be able to have witnesses from Council (in its regulatory function), present for questioning. The two witnesses were the geotechnical advisor and the WWL advisor.

I had a number of questions that I would like to have asked of the two witnesses.

Whilst I understand the personal situation of the individuals from WWL/WCC, not having a representative from WCC to respond to questions, was certainly not helpful to the process, given that there are specific conditions recommended.

As I am on leave, I am not able to fully consider the implications of not being able to fully question the evidence of the WCC in its regulatory function. I note that we now have the JWS, which may be helpful in alleviating any concerns in respect to the outstanding information.

When I return from leave in the early new year, I intend to review the evidence and information available on these relevant matters and ensure that I am satisfied that no further information is required.

I therefore, do not intend to formally close the hearing at this point.

Should it be determined that the information available does not adequately cover the issues, I would be reluctant to reconvene the hearing. It should be clear that this however remains an option.

Another option may be that I will provide written questions and the witnesses may be required to respond.

**Further Submitter Statement**

I further note that I received what in effect was a right of reply from a submitter. The hearing process is set out clearly in the Act and what was followed in the hearing, was a standard hearing process. A right of reply by the submitter to the Applicant/Requestors right of reply, was not available in the process set out at the start of the hearing.

I am satisfied that the submitter has been granted the opportunity to provide information and their view has been clearly stated and received by myself. The information provided following the 5<sup>th</sup> of December hearing will not be considered in my decision.



**Ian Leary**

Independent Commissioner

15<sup>th</sup> December 2022