

WELLINGTON REGIONAL COUNCIL

PROPOSED CHANGE 1 TO THE WELLINGTON REGIONAL POLICY STATEMENT

MINUTE 13

HEARING STREAM 4 – REQUESTS FOR EXTENSIONS AND OTHER MATTERS, AND RESPONSE TO SUBMITTERS’ QUERIES ABOUT HEARING STREAM 3 CAUCUSING

1. This Minute responds to various procedural matters relating to Hearing Stream 4 – Urban Development and the caucusing directed for Hearing Stream 3 – Climate Change.

Hearing Stream 4 (HS4)

Requests for extension of presentation time during HS4

2. The following submitters have requested additional time to present during Hearing Stream Four – Urban Development:
 - a. S131 Ātiawa ki Whakarongotai Charitable Trust
 - b. S158 / FS12 Kāinga Ora - Homes and Communities
 - c. FS29 Ngā Hapu o Otaki
 - d. S118 Peka Peka Farm.
3. We have granted all the hearing requests on the basis that the extensions sought can be accommodated within the allocated hearing schedule and no natural justice or fairness issues have been identified. A summary of the extension requests and our response is in the **Attachment** to this Minute.

Filing of evidence outside the timetabled directions

4. In Minute 3 we directed that submitter evidence be filed at least 10 working days prior to hearings for that stream commencing.
5. Counsel representing Winstone Aggregates (S162) and R P Mansell, A J Mansell and M R Mansell (FS18) has requested additional time for filing expert evidence. We have considered the reasons set out in counsel’s memoranda and grant the extensions requested. Expert evidence for Winstone Aggregates is to be provided to the Hearings Advisor by 5pm on 19 September, and evidence for the Mansell Family is to be lodged by 5pm on 21 September.
6. We realise this condenses the time available for the s 42A officers to consider this evidence in their rebuttal. We therefore grant an extension until 5pm on Tuesday 26 September 2023 for the filing of Council’s rebuttal for HS4.

Late request to present in HS4 and to file legal submissions after submitters have been heard

7. Wellington International Airport Limited (WIAL - S148) has made a late request to present during HS4. The Hearings Advisor has informed the panel that there is time within the allocated hearing schedule for WIAL to present. We therefore grant this request on the basis that doing so does not create any issues of prejudice or natural justice.
8. Today, WIAL's counsel Ms Dewar advised that Ms Hunter will present expert planning evidence at the hearing but due to work and travel commitments, Ms Dewar is unavailable to attend WIAL's allocated hearing slot. There were no other hearing slots that suited given other submitters' confirmed times and Ms Dewar's availability. Ms Dewar has sought leave to file legal submissions in writing in the week of 9 October, in the event the panel has legal questions or issues arising as a result of Ms Hunter's evidence. We grant this request. The Hearings Advisor will inform Ms Dewar if we need any legal issues clarified following Ms Hunter's presentation.

Council rebuttal

9. We note that in previous hearing streams, the reporting officers have recommended a range of amendments to provisions in light of submitters' legal submissions and evidence. We strongly encourage submitters who are appearing in HS4 or tabling evidence or other material, to consider the Officers' rebuttal before doing so. As noted above, the Officers' rebuttal for HS4 is now required to be filed by 5pm Tuesday 26 September 2023 and will be uploaded to the Hearings website shortly after.

Information sought from Council for HS4

10. Either during its opening presentation in HS4 or through written advice, we request Council to provide us with information on the current draft Future Development Strategy (FDS) for Wellington. In particular, we are interested in information about:
 - a. the status of the Wellington Regional Growth Framework (referred to on page 29 of the s 42A report) and whether this will be replaced by the FDS when that is finalised, or whether it will sit alongside it or support it
 - b. the process the Regional Council has undertaken / is undertaking for developing the FDS
 - c. the Housing and Business Development Capacity Assessment that informs the FDS
 - d. the relationship between Proposed Change 1 and the draft FDS (e.g. the extent to which it is relevant to the development of PC1 and whether the panel can have regard to the draft FDS when assessing and making recommendations on PC1).

Hearing Stream 3 (HS3)

Expert caucusing

11. Two submitters have provided us with comments regarding the HS3 caucusing we directed in Minute 12.
12. Dr Tripp, on behalf of Doctors for Active Safe Transport (S116 - DAST) has requested that health experts be included as part of the expert caucusing in order to ensure health expertise is factored into the discussion, including the health benefits of mode shift. We have declined Dr Tripp's request but note:
 - a. The Hearings Advisor has confirmed that Transport caucusing has been set down for 21 September 2023 as an on-line session
 - b. DAST's submission is clear and will be considered during caucusing and also in the Council Officer's reply
 - c. Opening the caucusing session to experts other than planners could detract from its purpose. As explained in Minute 12, the caucusing session will be a facilitated drafting exercise aimed at reducing areas of disagreement about the wording of the provisions and identifying provisions where differing views remain. The focus is on the drafting of objectives, policies and methods. The session is not an opportunity to rehear evidence or present new evidence.
 - d. The joint witness statement (JWS) produced through caucusing will be published on the Hearings webpage by 5pm on 28 September 2023
 - e. All submitters with relief on the relevant provisions, including DAST, will have the opportunity to review and provide written comments on the JWS by 5pm on 5 October 2023
 - f. The Officer's reply must be filed by 5pm on 19 October 2023.
 - g. All submitters will have the opportunity to comment further on the provisions and issues of integration and alignment, during Hearing Stream 7 (HS7) in March 2024 – Wrap up and Integration. The panel is considering whether facilitated mediation or pre-hearing meetings may be useful ahead of HS7. Parties will be given advance notice of this so they can make appropriate arrangements to attend and it may be that HS7 is deferred by a short time to allow for pre-hearing discussions.
 - h. For the transport caucusing session, we direct the Council either in its reply or in the JWS to explain how, and the extent to which, the provisions coded to this topic will achieve mode shift and whether they appropriately recognise the health benefits of doing so.

13. The caucusing for the Climate resilience, Nature based solutions and Natural hazards subtopics has been set down for 16 October 2023.
14. Some submitters from the Mangaroa Peatland Community group including Mr Anker (S31) asked if submitters who did not present planning evidence could attend the caucusing sessions. As stated in Minute 12 and above, the caucusing sessions are for planning experts only. However, the JWS that is produced from caucusing will be published on the website and all submitters with relief on the provisions can provide written comments. The reporting officers will consider both the JWS and submitter comments in their final reply.
15. The relevant dates for the Climate Resilience, Nature based solutions and Natural hazards caucusing are:
 - a. Caucusing of expert planners (online session) facilitated by Mr Jason Jones: Monday 16 October 2023
 - b. JWS published on Hearings webpage: by 5pm, Monday 23 October 2023
 - c. Submitter comments: by 5pm, Monday 30 October 2023
 - d. Council reply: by 5pm, Monday 13 November 2023.
16. The Hearings Advisor will provide further information shortly about the caucusing session.

Council reply

17. Paragraph 20 of Minute 12 stated that Council has 10 working days to provide their reply on the subtopics that were the subject of caucusing. For the avoidance of doubt, we note that the Council's reply can address any issues arising from the hearing of submitters and does not need to be confined to matters addressed in caucusing.

Dated: 20 September 2023



D Nightingale
Chair
Part 1, Schedule 1 Panel
Freshwater Hearings Panel

Attachment – Summary of time extension requests for HS4 and Panel directions

Request From	Total Time requested	Reason for Extension	Panel Approve/Deny	Reason for Decision
S131 Ātiawa ki Whakarongotai Charitable Trust	15 Minutes	Due to the particular relationship of Ātiawa with our rohe and the extensive impacts of the proposals on te taiao.	Approve	No issues of fairness or natural justice arising to grant the extension requested
S158 / FS12 Kāinga Ora - Homes and Communities	1 hour 30 minutes	Kainga Ora requests one and a half hours (1h30m) for its presentation. Urban development is a core competence of Kainga Ora, and a matter of fundamental concern to it. It will have three witnesses (corporate, economics, planning). One hour proved insufficient in respect of HS3 with one fewer witness.	Approve	Although the time extension sought is considerable, it does not seem inappropriate given the importance of this hearing stream to the submitter. The Hearings Advisors have said the time requested can be accommodated in the available schedule so there are no issues of fairness or natural justice arising if the request is granted.
FS29 Nga Hapu o Otaki	20 Minutes	Kaumtua/kaitiaki peaking to Nga Hapu o Otaki mātauranga, cultural values and ancestral landscape.	Approve	No issues of fairness or natural justice arising to grant the extension requested
S118 Peka Peka Farm	20 Minutes	Peka Peka Farm requests a 20 minute time slot in order to address all relevant points. Based on our experience at Hearing Stream 3, a 20 minute slot would be beneficial.	Approve	No issues of fairness or natural justice arising to grant the extension requested