

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 8:

Late Stream 1 Evidence

Introduction

1. In Minute 1, we directed that submitter expert evidence be filed before 1pm on 7 February. Approaching that deadline, we had a number of requests for extensions of time. Following 1pm clicking over, some parties filed their evidence late without seeking an extension.
2. We apply the same considerations as are stated in Minute 3 to the waiver of late supply of evidence, whether requested or not.
3. In addition, however, a key consideration for late evidence is that the rebuttal deadline (of 14 February) is very tight. Any significant delay in filing of primary evidence prejudices parties trying to meet the rebuttal deadline.
4. The timing for filing of legal submissions is in turn linked to filing of rebuttal.
5. There is accordingly, a very real risk that any significant delay in filing of expert evidence will cause a cascade effect, potentially impacting the commencement of the Stream 1 hearing.
6. KiwiRail's expert evidence was filed at 1:30 on 7 February. We do not regard the exceedance of time as material and grant a waiver accordingly.
7. Retirement Villages Association Inc and Ryman Healthcare Limited requested an extension to close of business on 7 February. We considered that that exceedance was not excessive and asked the Hearing Coordinator to advise those submitters that their request would be granted. Their evidence was filed before 5pm on 7 February. We waive late receipt of that evidence accordingly.
8. Ara Poutama Aotearoa, The Department of Corrections and Firstgas Limited filed their evidence around 5pm on 7 February. The former's representative explained, when asked about that fact, that this was due to inadvertence- not appreciating that unlike other Plan process deadlines they were managing, this one was earlier than 5pm. We waive that late receipt for the same reasons as for the previous submitters.
9. Muaupoko Tribal Authority filed a letter and accompanying appendix at 10am on 8 February, subsequently explaining that it had been wrestling with how to categorise its evidence and had changed its mind close to the deadline. It also had problems due to other commitments of its CEO. Having reviewed the material the Authority had filed, the Chair formed the view that the material

filed is not strictly evidence, but rather a narrative quoting historical sources regarding the matters relevant to the Authority's submission. The covering commentary is more, therefore, in the nature of a representation and accordingly, not late. The historical sources referred to speak for themselves.

10. Waka Kotahi requested that the time for filing of its evidence be extended to 10 February. Its request was premised on the short timeframes for writing up the evidence and impacts of the Auckland flooding on key staff members. At our request, the hearing coordinator passed on the message that an extension of this scale required a formal application addressing the potential prejudice to other parties and to the hearing process, as above, as well as clear justification given that Waka Kotahi had not asked for longer than the default 20 minute hearing period (and therefore presumably was not intending to file extensive evidence). We were, however, prepared to make some acknowledgement of the personal issues Waka Kotahi staff have been managing, and signalled our readiness to extend its deadline to 3pm on 8 February, adjudging that to be a manageable level of prejudice to other parties. The evidence was filed in accordance with that indication. We accordingly waive its late receipt.
11. Lastly, Ms Mulligan sought an extension of time for the expert evidence of Wellington Heritage Professionals to the evening of 8 February, explaining that one of their experts, (Ms Stevens) had been overseas and had a family bereavement. Subsequently she clarified that the submitter was planning to submit a joint brief of Ms Stevens and Ms Forster-Garbutt.
12. The reasons for the extensions speak for themselves. Again, we adjudged that the prejudice to other parties was manageable (just) if the deadline for filing of evidence was extended to 5pm on 8 February. The evidence was filed in accordance with our indication to that effect. We waive late receipt accordingly.



Trevor Robinson
Chair

For the Wellington City Proposed District Plan Hearings Panel

Dated: 9 February 2023