

**IN THE MATTER of
the Resource Management Act 1991**

AND

**IN THE MATTER of
hearing of submissions and further
submissions on the Proposed
Waimakariri District Plan**

AND

**of hearing of submissions and further
submissions on Variations 1 and 2 to the
Proposed Waimakariri District Plan**

**MINUTE 30 – HEARING STREAM 12A
DEXIN, HS8 MISSED POINTS AND
EVIDENCE POST HEARING**

INTRODUCTION

1. The purpose of this Minute is to:
 - a. Respond to the Council's Memorandum requesting extra time for the Reply Report for Hearing Stream A and the subsequent Memorandum from Counsel for Dexin
 - b. Respond to the Council's Memorandum regarding further submissions that were not addressed in Hearing Stream 8 Urban subdivision s42A report and request that any further submitters who wish to comment do so no later than **4pm Friday 26 July 2024**
 - c. Remind all hearing participants about the provision of additional evidence post hearing.
2. The Memorandums referred to in the Minute are available on the [Council's website](#).

REQUEST FOR EXTRA TIME FOR REPLY REPORT FOR HEARING STREAM 12A - DEXIN

3. On 26 June 2024, the Panel received a Memorandum from the Hearing Stream 12A reporting officer (Council HS12A Memo) requesting an extension of time to provide the Reply Report. On 27 June 2024, the Panel received a Memorandum from Counsel for Dexin Investments Ltd [s377] (Dexin Memo) responding to the Council HS12A Memo. We respond to these two Memos.
4. In the first instance, submitters are reminded of the Hearing Format which is set out in paragraphs 95 to 98 of Minute 1. It is entirely appropriate for the reporting officer to seek that any evidence provided by submitters after the s42A report was prepared to be reviewed and responded to. This has been the case throughout the hearings to date. In this regard, we consider it appropriate that the reporting officer seeks reviews of the urban design and transport evidence that was presented in evidence and at the hearing. As has occurred with the hearings to date, there is no opportunity for the submitter to comment on this. However, we would anticipate that the planner expert conferencing we refer to below would need to come after the urban design and transport reviews have been undertaken, and so the submitter will need to be made aware of the outcome of these reviews. The Panel also notes that we clearly asked the reporting officer to respond to all evidence presented at and tabled for the hearing that is not otherwise set out in the questions listed in our Minute 28. This would include the submitter's updated urban design and transport evidence.
5. In respect of the matters in a and b of the Council HS12A memo, we consider that these are matters that should be addressed in an integrated way across the relevant Hearing Stream 12 sub-streams, given this is an area of contention between the Council and submitters. However, we agree with the Dexin Memo that this is not necessary in respect of c., given there was no evidence to the contrary.

6. We agree with the Dexin Memo that item e is not appropriate to occur after the completion of the hearing. The reporting officer is to respond to questions 11 and 12 in Minute 28 and make any updated recommendations based on the information available.
7. We support the reporting officer and Dexin's planner undertaking expert conferencing on the provisions.
8. We therefore accept the two-month extension, on this more limited scope.

FURTHER SUBMISSIONS NOT ADDRESSED IN HEARING STREAM 8 URBAN SUBDIVISION REPORT

9. On 5 July 2024, the Panel received a Memorandum from the Hearing Stream 8 Urban Subdivision section 42A reporting officer informing the Panel of 11 further submission points that were missed in the s42A report. We generally agree with the reporting officer's position that no further submitter is unfairly disadvantaged by the exclusion of the further submission points in the report. However, to ensure natural justice and fair process, we invite those five further submitters to provide any comment on the reporting officer's recommendations on the particular points that the further submitters had submitted on, by no later than **4pm Friday 26 July 2024**. The Panel notes that comment is limited to those points only.

PROVISION OF ADDITIONAL EVIDENCE POST HEARING

10. From time to time, submitters are sending emails and providing evidence and information to the Hearing Administrator after a particular Hearing Stream has been completed, asking for it to be sent through to the relevant Hearing Stream Panel, or Chair.
11. Submitters are reminded to read paragraphs 79 and 80 of Minute 1 which sets out the provision of evidence or information post hearing.
12. Generally, there are issues of natural justice and fair process arising from any additional evidence or information being provided after the completion of a hearing. Unless there are extenuating circumstances provided to the Panel as to why it should be received, it will not be.
13. The only exceptions are where the Panel has explicitly requested that a submitter provides further information or evidence. We also welcome the provision of electronic

copies of any speaking notes that were presented at the hearing and not provided in advance.

CORRESPONDENCE

14. Submitters and other hearing participants must not attempt to correspond with or contact the Hearings Panel members directly. All correspondence relating to the hearing must be addressed to the Hearings Administrator on 0800 965 468 or Audrey.benbrook@wmk.govt.nz.



Gina Sweetman
Independent Commissioner – Chair - on behalf of the PDP Hearing and IHP members
9 July 2024

