

WELLINGTON REGIONAL COUNCIL

PROPOSED CHANGE 1 TO THE WELLINGTON REGIONAL POLICY STATEMENT

MINUTE 10

DIRECTIONS REGARDING RECATEGORISATION OF PROVISIONS AND HEARING STREAM 3 EXTENSION REQUESTS

1. This Minute has been issued jointly by the Part 1 Schedule 1 (P1S1) Panel and the Freshwater Hearing Panel.

Re-categorisation of provisions

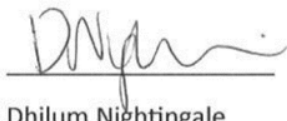
2. Minute 5 set out our proposed approach to the re-categorisation of provisions issue.
3. We provided parties the opportunity during Hearing Stream 2 to make submissions on our proposed approach. Having heard from parties who wished to address this matter including legal submissions from Counsel for the Council dated 7 July 2023, we make the following directions:
 - a. The P1S1 and FHP Panels will sit together for all remaining Hearing Streams as we have done for Hearing Streams 1 and 2
 - b. Parties may present submissions in each Hearing Stream seeking recategorisation of provisions and evidence as to why a provision allocated as part of the FPI is not in fact a freshwater provision
 - c. We will make recommendations to Council in our final reports on what provisions if any, need re-categorising to the P1S1 process.
5. The Council will decide whether it accepts these recommendations or not in accordance with the provisions of clauses 10 and 52 of Schedule 1.
6. We are satisfied that we have jurisdiction to make these directions and that this approach is fair and efficient to all parties and the process we outlined in Minute 5 provided parties with appropriate opportunity to be heard on the issue. In making these directions we have considered our powers under section 39 and clauses 40, 48 and 49 of Schedule 1, and also considered s 18A of the Act.

Extension requests

7. The following submitters requested additional time to present their submissions and evidence during Hearing Stream 3:
 - a. Ātiawa ki Whakarongotai Charitable Trust (S131) – 15 minutes
 - b. Kāinga Ora - Homes and Communities (S158 / FS12) – 40 minutes
 - c. Meridian Energy Limited (S100 / FS26) – 20 minutes
 - d. Porirua City Council (S30) – 45 minutes

- e. Wairarapa Federated Farmers (S163) – 30 minutes
 - f. Wellington International Airport Limited (S148 / FS17) – 30 minutes.
8. The reasons given by submitters include the need for longer presentation time given the breadth and complexity of the Hearing Stream 3 issues including consideration of six s 42A reports.
9. We grant the requests in paragraph 7 above for additional presentation time. We appreciate this topic is complex and large and of the 6 submitters who requested an extension of time, all have numerous submissions on almost every sub-topic within Hearing Stream 3. The Hearing Advisors have advised us that the extension requests can be accommodated within the allocated hearing schedule. We see no issues of fairness or natural justice arising if we are to grant the extensions requested.
10. Ngā Hapū o Ōtaki has submitted a request to present in Hearing Stream 3. This request was received 3 working days outside the timetabling directions. We do not consider any issues of fairness or natural justice arise if we are to grant this request to present.
11. The Regional Council has requested one extra day for filing rebuttal evidence given the complexity and volume of material in issue. We agree to grant an extension until **5pm on Tuesday 22 August 2023** for the Council to file its rebuttal evidence. We appreciate this provides one less working day for submitters to consider this evidence prior to hearings commencing on 28 August. We consider on balance that the request is not unreasonable and still allows submitters 4 working days to consider Council's rebuttal evidence.

Dated: 18 August 2023



Dhilum Nightingale
Chair
Part 1, Schedule 1 Hearing Panel