

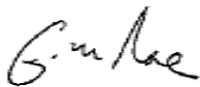
MEMORANDUM TO THE PARTIES #1

Website: 2gp.dunedin.govt.nz

From: The Hearings Panel for the Bus Hub notice of requirement
To: Submitters and the Requiring Authority
Date: 2nd November 2017
Subject: **Receipt of Closing Statements, and Closure of the Hearing**

1. The hearing on the Bus Hub notice of requirement was adjourned on 25 October 2017, pending the receipt of a written Closing Statement from the Requiring Authority.
2. The Panel received from the Requiring Authority by e-mail on Tuesday afternoon (31 October 2017) closing legal submissions from Mr Logan, and final evidence in reply from Mr Lightowler, Ms Cambridge, Ms Justice, and Mr Collings. Those statements have all been posted on the Dunedin City Council web site for public viewing at <https://tinyurl.com/DCC-Bus-Hub>
3. Whilst it is normal practice for a Hearings Panel to receive a Closing Statement from counsel for an applicant, it is not usually the case that an applicant submits statements of evidence to support the closing legal submissions. The Panel did not request lodgement of further briefs of evidence. In our view new evidence should only be allowed where new issues have been raised by other parties on which the applicant has not had the opportunity to comment and cannot properly be answered in the applicant's right of reply.
4. Be that as it may we consider that, for the most part, the information and evidence that has been provided as part of the closing statement does in fact address and respond to specific questions the Panel raised during the course of the hearing. It is also noted that Ms Justice's final evidence responds to Mr Smith's statement which was tabled on the final day of the hearing, but which was not presented to us or discussed at all at the hearing. Her final statement also provides a final updated list of recommended conditions, which we specifically requested.
5. Mr Lightowler's final statement of evidence contains some new evidence on Austroads standards (concerning footpath widths). We did not request this, and consider submitters may be disadvantaged if we accept this evidence without reconvening the hearing to enable it to be challenged.
6. However, we note the applicant had responded to questions on footpath width at the hearing. We consider we have sufficient information and in the interests of efficiency consider it best to disregard the further evidence on that matter rather than reconvene the hearing.

7. It is possible that the other statements of evidence may contain some other new evidence or information that was not requested and/or raise issues that should rightly be open for comment from submitters. We will carefully consider the evidence on that basis, and will disregard any matters raised which might fit into that category. Our Recommendation will discuss this matter further and will itemise any evidence that has been disregarded in our deliberation of relevant matters.
8. Please be advised that the Panel is satisfied we now have sufficient information to commence deliberations and to make our Recommendation to the Requiring Authority. Accordingly, the hearing is now formally closed.
9. Our Recommendation will be issued to the Requiring Authority within 15 working days of the date of this Memorandum. The Requiring Authority will then make a Decision whether to accept or reject the Recommendation in whole or in part. The Requiring Authority will issue its Decision to the Dunedin City Council within 30 working days of receiving the Recommendation. Within 15 working days of receiving the Decision the Council will then issue a notice of the Decision and a statement of the time period for lodgement of an Appeal to all submitters, and to landowners and occupiers directly affected by the Decision.
10. I would like to thank you all for your submissions, evidence, statements and participation in the hearing.



Gary M Rae
Chairperson