

**IN THE MATTER**

of the Resource Management Act 1991  
**(RMA)**

**AND**

**IN THE MATTER OF**

Private Plan Change 21 by Southern Cross  
Hospitals Limited – 3 Brightside Road and  
149, 151 and 153 Gillies Avenue, Epsom

**MINUTE OF THE HEARING PANEL OF COMMISSIONERS**

1. The Commissioners regret to advise the parties that they will be unable to meet to determine whether the hearing of Private Plan Change 21 can be closed until the New Year. The hearing therefore remains adjourned.
2. Since filing of the applicant's reply submissions on 4 December 2019, two matters have arisen that could usefully be progressed prior to the Commissioners meeting in the New Year.
3. Counsel for the Eden Epsom Residential Protection Society has advised the Hearings Advisor that his client considers that the applicant's reply submissions include new evidence and additional legal arguments not raised by the applicant during the hearing. Leave has been sought to respond to this material. Due to the importance of the plan change request to all parties, we are prepared to grant leave as requested.
4. It is unclear from the communication from counsel for the Society whether his client wishes to file supplementary submissions, supplementary evidence, or both. If it is the former (submissions only) then they shall be filed by **4pm, 16 January 2020**. These submissions should identify the material considered to be new, set out how the Society considers we ought to deal with it and provide the legal basis for the approach proposed. If it is the latter (supplementary evidence), then this shall be filed (together with any supplementary submissions) by **4pm, 23 January 2020**.
5. Leave is granted to the applicant to respond to any supplementary material filed by the Society by **4pm, 7 February 2020**.
6. We have also been advised that since the applicant filed its reply submissions on 4 December 2019, submission number 161 by Heritage New Zealand Pouhere Taonga has been withdrawn. In its submissions to be filed on 7 February 2020, the applicant is requested to advise whether this withdrawal has any jurisdictional implications for our ability to consider amendments to the notified plan change request.

Any enquiries regarding this minute or related matters should be directed to Larissa Rew, Hearings Advisor – [Larissa.rew@aucklandcouncil.govt.nz](mailto:Larissa.rew@aucklandcouncil.govt.nz).



Kitt Littlejohn  
for the Hearing Commissioners  
Monday 16 December 2019