

**Minute #1 of Independent Commissioner Hearing Commissioner
127 and 141 Stewart Duff Drive
Reference (SR) No. 519248**

A hearing has been scheduled to determine the resource consent application for the above site.

Hearing details:

Location: Wellington City Council, 113 The Terrace,
Room 16.11 – Whataitai (Level 16)

Date: Monday 5 December 2022

Time: 9.00am start

1. Submission of Expert Evidence:

The 2015 Amendment to the Act sets out revised procedures for the pre-exchange of evidence. This is now a requirement for all expert evidence at hearings. The following is the timeline for the submission of the evidence:

Council evidence

A copy of the planning officer's recommendation report and any expert evidence prepared by Council officers must be provided to the applicant and submitters 15 working days before the hearing (section 103B(2) of the Act). This would be no later than **5pm Friday 11 November 2022**.

Applicant's evidence

A copy of the applicant's expert evidence must be provided to the Council 10 working days before the hearing (section 103B(3)). This would be no later than **5pm Friday 18 November**.

Submitters' evidence

A person who has made a submission and who is intending to call expert evidence must provide briefs of this evidence to the Council and the applicant at least 5 working days before the hearing (section 103B(4)). This would be no later than **5pm Friday 25 November**.

Non-expert evidence (including submitter lay evidence and legal submissions) should be tabled and read aloud on the day that the relevant party appears at the hearing.

2. Viewing evidence:

The Council is required to make all briefs of evidence available at its offices as follows

- the authority's evidence, to the applicant and to any person who made a submission and stated a wish to be heard;
- the applicant's evidence, to any person who made a submission; and
- any submitter's evidence, to the applicant and to any other person who made a submission.

To meet this requirement, a copy of the Council planner's recommendation report and any associated expert reports, the applicant's evidence and any evidence provided by submitters will be made available at our offices at the timeframes set out above.

Note: a webpage to provide access to all the documents has been set up and can be accessed on the link below.

<https://wellington.govt.nz/property-rates-and-building/building-and-resource-consents/resource-consents/submitting-on-or-approving-a-resource-consent-application/publicly-notified-resource-consents/127-and-141-stewart-duff-drive>

3. The Hearing:

A useful guide to the conduct of hearings can be found at:

<https://environment.govt.nz/publications/appearing-at-a-hearing-about-a-proposed-plan-or-resource-consent/>

Pursuant to s41C(1) of the RMA, I direct that in respect of expert evidence pre-circulated in accordance with these Directions, the hearing will be conducted in the following manner:

- The section 42A report(s) and all pre-circulated evidence will be taken as read;
- The applicant or submitter who has provided the pre-circulated evidence is to call the witness in person;
- The witness should be introduced and asked to confirm his or her qualifications and experience;
- The witness should be asked to confirm the matters of fact and opinion contained in the brief of evidence;
- The witness will then be given an opportunity to draw to my attention the key points in the brief. No new evidence shall be introduced, unless it is specifically in response to matters raised in other pre-circulated briefs of evidence supplied by another party - in such cases, the new evidence shall be presented in written form as an Addendum to the primary brief of evidence and it may be verbally presented by the witness.
- I may then question the witness.

4. Site visit

I will be undertaking a site visit prior to the hearing commencing. I will do so unaccompanied by any other parties. I may undertake a further site visit during or after the hearing.

5. Correspondence

Any correspondence with me should be directed through Krystle Leen via Krystle.Leen@wcc.govt.nz

The hearing is a formal semi-judicial process, but will be conducted as informally as possible, consistent with the procedures specified in the Resource Management Act 1991. All parties will have a fair and reasonable opportunity to present their submissions. Following presentations by the applicant, the submitters will have an opportunity to address the Commissioner, then followed by the Council's planner. The applicant will then have a right of reply.

Hearing coordinators from the Council will be in touch with all parties who wish to present at the hearing to ascertain times for the presentation. This is in order that scheduling can occur and the most efficient use is made of everyone's time.


Ian Leary
Independent Commissioner