

## WELLINGTON CITY COUNCIL

SR462159 & SRI455891

### NOTICES OF REQUIREMENT: WELLINGTON INTERNATIONAL AIRPORT LTD.

#### MINUTE 1 OF INDEPENDENT HEARING PANEL

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#### INTRODUCTION

1. This Minute is being sent to you because you are either the requiring authority, or a submitter to the above Notices of Requirement.
2. Pursuant to section 34A of the Resource Management Act 1991 ("**RMA**") we have been appointed by Wellington City Council ("**WCC**" or "**the Council**") to hear and make recommendations on two Notices of Requirement from Wellington International Airport Ltd ("**the Requiring Authority**") to designate land at 1 Stewart Drive (the majority of which is the Southern Portion (15.6 ha) of the existing Miramar Golf Course) and land at 28 Stewart Duff Drive (which is the existing Airport site), for Airport Purposes.
3. The general function of this Minute is to set out some preliminary matters in preparation for the hearing, which has been set down for **19<sup>th</sup> to 21<sup>st</sup> May 2021**. Please note that a formal notice of hearing will be sent by the Council in due course.
4. We wish to establish some procedures to facilitate a smooth and effective pre-hearing and hearing process for all parties. This requires some actions from all the parties in readiness for the formal proceedings.
5. In this respect, this minute covers the following matters:
  - (a) pre-hearing discussions/conferencing;
  - (b) circulation of evidence;
  - (c) hearing process and presentations; and
  - (d) site and locality visits.
6. It is likely that we will issue additional minutes with further requests and instructions, before, during and/or after the hearing.

#### PRE-HEARING DISCUSSIONS & CONFERENCING

7. With most hearings of this nature, all parties (requiring authority, submitters and Council officers) are encouraged to engage in constructive discussions where practicable before the hearing commences so as to minimise the range of issues in contention. This may

occur through expert witness conferencing, pre-hearing meetings or other informal exchanges – and all are welcome.

8. It is apparent from our preliminary review of submissions that a number of matters may be worthy of discussion between the parties prior to the hearing commencement.
9. On the basis that some parties will be engaging experts, and certainly the Requiring Authority and Council will be, we direct that those parties with experts confer and inform us as to whether expert witness conferencing is considered to be of assistance.
10. We request that the Requiring Authority, the Council and any submitters intending to call expert witnesses at the hearing advise the WCC administrator by **9 April 2021**:
  - (a) Of the name and area of expertise of each witness they intend to call; and
  - (b) Whether expert witness conferencing is proposed.
11. If expert witness conferencing is proposed, we will issue further directions as to timing.

#### **CIRCULATION OF EVIDENCE BEFORE HEARING**

12. Pursuant to Sections 41B and 42A of the RMA we direct that evidence be pre-circulated in accordance with the following timeframes as set out in the Act:
  - (a) the Section 42A Report and any expert evidence called by WCC will be made available a minimum of 15 working days prior to the start of the hearing – by **28 April 2021**;
  - (b) the Requiring Authority's expert evidence will be made available at least 10 working days before the start of the hearing – by **5 May 2021**; and
  - (c) any expert evidence called by submitters must be made available at least 5 working days before the start of the hearing – by **12 May 2021**.
13. Parties do not need to pre-circulate any non-expert presentation material they wish to speak to at the hearing. For any questions of clarification about professional expertise and the code of conduct for expert witnesses, please contact the WCC administrator in the first instance.

14. Any legal submissions by counsel for the parties can be made at the hearing and are not subject to pre-circulation.

### **HEARING PROCESS AND PRESENTATIONS**

15. Following is some information about the hearing for context to assist those not familiar with the process.
16. First, we encourage parties to refer to the useful guides about the designation process and hearings available from the Ministry for the Environment website. The link below is a good source of information:  
  
<https://www.mfe.govt.nz/publications/rma/everyday-guide-rma-designation-process>
17. Consistent with this guide, our preference is for proceedings to be relatively informal. However, a degree of formality is inherent in hearings of this nature, and we will speak to that at the outset of the hearing when it commences.
18. More substantively, the hearing enables us to hear the issues raised in submissions in greater detail, and to be able to ask questions to improve our understanding of those issues.
19. Parties who do not have expert witnesses should target their presentations to be 15-30 minutes. This is a rough indication and helps with our planning but all parties appearing can be assured that they will be given sufficient time to present their cases.
20. Once we have heard about expert witness intentions, we will issue another minute requesting an indication from all parties as to the amount of time they require for their presentation so that the WCC administrator can make the necessary arrangements.

### **SITE AND LOCALITY VISITS**

21. We are familiar with the site and general locality.
22. We expect that we will need to undertake a more detailed site and locality visit before the hearing and have agreed to do this on 18 May 2021. In that respect, if any party has a desire for us to visit particular sites/localities they should advise the WCC administrator. We may also visit the site again after the hearing.

### **NEXT STEPS**

23. As noted above we direct all submitters to advise the WCC administrator by the **9 April 2021** of the experts they are intending to call.

24. The WCC administrator can be reached at [planning.admin@wcc.govt.nz](mailto:planning.admin@wcc.govt.nz) or by ringing 04 499 4444.

**DATED** this 23 day of March 2021



H A Atkins

Chair – Independent Hearings Panel

For and on behalf of:

Commissioner David McMahon

Commissioner Ray O'Callaghan