

28 November 2025

Dear Parties,

**LIMITED NOTIFIED RESOURCE CONSENT APPLICATION FOR A CLEANFILL:
RM240334**

ADDRESS: 1044 COAST ROAD, WAINUIOMATA

Notice of hearing

Please note that the above resource consent application has been set down for a hearing before an Independent Commissioner as follows:

Date: Monday 15th of December through Wednesday 17th of December 2025.

Time: All days will commence 9:30am and proceedings will run until 5:00pm unless otherwise directed by the Commissioner.

Venue Pelorus Trust Sports House
93 Hutt Park Road
Gracefield

Attendance: Attendance in person is preferrable and expected for those appearing on behalf of the applicant and council.

For submitters, and anyone who cannot be present, the option for attendance online will be provided for.

Council will be releasing an agenda relating to speaking order in the coming days which will give an indication of speaking order and time. As far as allotted time is concerned it is noted that some persons or parties may not use all of their allotted time or potentially may run a little long, in any case we would suggest being present or available earlier than your allocated time. Please note that all are welcome to attend the hearing in person for as long as they may wish irrespective of if they wish to be heard and support personnel for those that wish to be heard are welcome.

Council officers' hearing report

A copy of the Council officers' hearing report (also commonly referred to as a s42A Report) has previously been circulated to all parties.

Pre-circulation of evidence

In accordance with the directions issued by the Independent Commissioner on the 6th November 2025 the Resource Management Act requires the applicant, and submitters who intend to call expert evidence, to provide their briefs of evidence before the start of the hearing within the timeframe as follows:

Applicant: The applicant must provide the Council's hearing administrator with all the briefs of evidence that they intend to present at the hearing, at least 10 working days beforehand, i.e. **by 3.00pm on Monday, 1 December 2025**. As per minute 2 from the Independent Commissioner this deadline does not apply to landscape evidence which is due **by 3m Monday, 8 December 2025**.

The Council's hearing administrator will then circulate the evidence to those submitters who wish to be heard, Council's reporting officer and experts, and the Hearing Commissioner. The applicant's evidence will also be uploaded to the council website.

Submitters: Submitters who intend to call expert evidence at the hearing must send their briefs of expert evidence to Council's hearing administrator at least five working days before the hearing, being **by 3.00pm on Monday, 8 December 2025**. An exception to this deadline applies to landscape and visual related evidence - the Commissioner will confirm the process for filing expert landscape evidence called by submitters (if there is any) following receipt of responses from all submitters to Minute 2.

The Council's hearing administrator will then circulate the evidence to all parties and also upload it to the council website.

Please note that there is no requirement for submitters to resubmit their submissions or obtain expert evidence. Submitters who are not calling expert evidence do not need to provide any further information before presenting at the hearing.

For those parties calling expert evidence, please send the evidence to Council's hearing administrator, Saritha Shetty, at the following email address: saritha.shetty@huttcity.govt.nz.

Legal submissions

As noted by the Hearing Commissioner in Minute 1, any party that intends to have legal representation at the hearing must provide opening legal submissions by **3pm on Thursday 11 December**. Those submissions again are to be provided to Ms Shetty at the above email address.

Tikanga Māori

Tikanga Māori will be recognised at the hearing as appropriate. If any party wishes to provide written or spoken presentations/evidence in Te Reo Māori at the hearing, please advise Ms Shetty in advance of the proceedings.

The Hearing

As previously noted in Minute 1 the hearing will be heard by Mr Jason Jones who is an experienced independent commissioner. Mr Jones has been given delegated authority by the Council to consider and decide upon the resource consent application under the Resource Management Act 1991.

A brief of what to expect in terms of the hearing procedure is attached below.

If you have any questions about the circulation of evidence or the hearing process, please contact me.

Kind regards,
Saritha Shetty

Hearing procedure:

It is considered appropriate to set out the typical procedure at the hearing although it is noted that this is not fixed and may be altered at the discretion of the Hearing Commissioner on the day of the hearing to maintain flexibility. The typical order is as follows:

1. The Hearing Commissioner opens the meeting, welcomes everyone, notes the nature of the application, outlines the expectations and order of proceedings and any health and safety details relating to the venue. At this stage they will usually also confirm the names of those attending who wish to be involved in the hearing.
2. The applicant presents their case to the Hearing Commissioner which will usually involve a number of people speaking from their respective areas of expertise (e.g. specialists such as planning consultants, traffic engineers or urban designers) and may be directed by a legal representative of the applicant. The Hearing Commissioner may ask questions during or following the applicant's presentation.
3. Any persons who made submissions in support of the application then have the opportunity to present their case. Again this may be presented personally or through representatives / witnesses and the Hearing Commissioner may ask questions following this.
4. Any persons who made submissions in opposition to the application each then present their case, either personally or through representatives / witnesses. The Hearing Commissioner may again ask questions following each submitters presentation.
5. The Council's processing planner or officer, sometimes followed by other specialist Council officers, presents a summary of their pre-circulated report taking account of the matters heard and presented during the hearing to date. As with the other parties above the Hearing Commissioner may ask questions of the planning officers including any insight with respect to matters raised during the hearing.
6. Each party has the opportunity to present their case at the appropriate time in the proceedings and should ensure that all relevant matters are raised at that time. It should be noted that there is no right of cross examination in this form of hearing. If any party wishes to seek clarification of a matter raised by another party, the request for clarification should be directed to the Hearing Commissioner who may, if he considers it appropriate, pursue the matter with the other party. In all cases questions and responses are made to the Hearing Commissioner.
7. After all parties have presented their case, the applicant is allowed a "right of reply" to any matters raised at the hearing. This may be provided orally during proceedings or in writing following the hearing at the discretion of the Hearing Commissioner.
8. The Hearing Commissioner then adjourns and decides if he has all relevant information to make a decision on the application. Following this either a further minute will be issued for additional information or a declaration to formally close the hearing will be made. Once the hearing is formally closed the decision on the application is then made in private.
9. The decision by the Hearing Commissioner is released in writing to all parties as soon as is practicable. This is usually sent out within three weeks of the formal close of the hearing.
10. The applicant and submitters have the right to appeal the decision to the Environment Court. Details on how to do this will be included with the decision.