

HUTT CITY COUNCIL
RM240334
LAND USE CONSENT – PROPOSED CLEANFILL
1044 COAST ROAD, WAINUIOMATA
MINUTE 1 OF THE INDEPENDENT HEARING COMMISSIONER

Introduction

1. I have been appointed by the Hutt City Council (“**Council**”) to hear and determine an application by Kakariki Estate Limited (“**the applicant**”) for land use consent to operate a cleanfill at 1044 Coast Road in Wainuiomata.
2. The Council determined that the application would be processed on a limited notified basis on 15 August 2025. Ten submissions were received following notification.
3. The general purpose of this Minute is to establish preliminary arrangements for the hearing and the associated exchange of information between the Council, applicant and submitters prior to the hearing. Specifically, this minute covers the following matters:
 - (a) hearing details;
 - (b) advance circulation of evidence, legal submissions and written material from submitters;
 - (c) hearing process and presentations;
 - (d) site and locality visits;
 - (e) procedural clarification regarding interested parties who were not notified about the application.
4. It is likely that I will issue additional minutes with further requests and instructions, before, during and/or after the hearing.

Hearing details

5. The hearing has been scheduled for Monday 15th through Wednesday 17th of December 2025 at the Pelorus Trust Sports House, 93 Hutt Park Road, Gracefield.
6. The Council will provide further details about the hearing venue and timetable in due course through its formal notice of hearing.

Circulation of evidence

7. As the application was limited notified, s103B of the Resource Management Act 1991 requires that evidence be exchanged in a sequential manner before the hearing starts. Taking account of the hearing date signalled above I accordingly direct the evidence exchange to comply with the following timetable:
 - (a) the Section 42A Report and any expert evidence called by the Council will be made available no later than **Monday 24 November 2025**;

- (b) the applicant's expert evidence will be made available no later than **Monday 1 December 2025**; and
 - (c) any expert evidence called by submitters will be made available by **Monday 8 December 2025**.
8. For all parties, the evidence is to be emailed to Council's hearing administrator, Ms Saritha Shetty, **by 3pm on the date that applies**, so that it can be made available to others by the close of business on the same day. Ms Shetty's email address is saritha.shetty@huttcity.govt.nz.
 9. All evidence and hearing information will be available on the Council website.
 10. For the benefit of submitters, the exchange timetable under paragraph 7 above is only required if you are calling any expert witnesses. Separate direction is provided below regarding any written material you would like to present at the hearing. For any questions of clarification about professional expertise and the code of conduct for expert witnesses, submitters can contact Ms Shetty in the first instance.

Legal submissions

11. If any party intends to have legal representation at the hearing, I direct any legal submissions to be provided to Ms Shetty for circulation by 3pm on Wednesday 10 December 2025.

Submitter written presentations

12. Any submitter who intends to speak to four pages or more of written material at the hearing must provide a copy of that material to Ms Shetty for circulation by 3pm on Wednesday 10 December 2025.
13. Any submitter intending to present material of three pages or less may table the material at the hearing and speak to it during their allocated time slot.
14. These directions are merely to assist with preparations for, and the smooth running of, the hearing.

Hearing process and presentations

15. The Council will contact the applicant and submitters to schedule presentations from all parties who have confirmed a desire to be heard. The general batting order for hearings of this nature is for the applicant to present first, followed by submitters and then Council reporting officers. The applicant will also be given a right of reply, which will likely be in writing after the hearing is adjourned.
16. If any party who wishes to speak is unable to attend proceedings in person, but is available to dial into the hearing remotely, videoconference facilities can be arranged. Any party with such requirements should signal those to Ms Shetty as soon as practicable.
17. I anticipate that a hearing of this nature may be a new experience for some submitters, so I will take a brief moment here to provide some information about the hearing for context.

18. For starters, I encourage submitters to refer to the useful guides about resource consents and hearings available from the Ministry for the Environment. The link below, in particular, is a great source of information:

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

19. Consistent with this guide, my preference is for proceedings to be relatively informal. However, a degree of formality is inherent in hearings of this nature, and I will speak to that at the outset of proceedings.

20. More substantively, the hearing will enable me to hear the issues raised in the submissions in greater detail, and to be able to ask questions to improve my understanding of those issues.

21. All parties will be given ample time to present their views, but as a general rule of thumb participants should target presentations of 15-30 minutes in length. This is less a rigid requirement than a broad indication to assist with preparations.

22. I will have read all submissions and evidence in advance of the hearing. On that basis, I do not require any pre-circulated material to be recited at the hearing. Submitters should use their allocated speaking time to expand upon issues raised in submission notices and/or to emphasise particular points they wish for me to consider.

23. Any experts may speak to a brief summary of their evidence during the hearing, and I will take the opportunity at intervals to ask questions. Summaries can either be:

(a) a separate document that highlights key points raised in substantive evidence (2-3 pages); or

(b) a verbal summary of key points raised in evidence.

24. If the former, I ask that experts bring sufficient hard copies of the summary to circulate to parties in attendance at the hearing.

25. If any party wishes to present in Te Reo, this should be clarified to Ms Shetty no later than Monday 1 December so that a translator can be made available.

Site and locality visits

26. I am familiar with the site and locality, having visited the area on several occasions. I will be conducting further detailed visits of the area to assist my understanding of the proposal and relevant issues.

27. If any party has a recommendation that I visit particular sites/areas they should advise Ms Shetty as soon as possible.

Other interested parties

28. I understand that the Council received correspondence from several individuals and organisations – who were not identified as affected persons in the Council's notification decision – expressing interest in the application and/or seeking to lodge a submission. I further understand that the Council has written to those parties explaining why submissions have not been formally received in such circumstances.

29. To be clear to all parties, my delegation will not empower me to revisit the notification decision or to receive submissions from parties who were not subject to the limited notification process. My role is to hear the submissions received from parties who were notified by the Council and to make a decision on the application following the hearing.
30. Parties who have filed a valid submission and wish to be heard will be contacted by the Council in due course to arrange speaking times at the hearing. Those parties may call expert witnesses if they wish, and/or be represented by legal counsel or other representative(s), subject to the directions above regarding pre-circulation and hearing presentations.
31. The hearing will be open to the public and interested parties may observe proceedings accordingly.

Next Steps

32. Details for the hearing will be provided by the Council in due course.
33. If any party has any questions regarding the above in the meantime, please contact Ms Shetty in the first instance.



J C Jones (Chair)
Independent Hearing Commissioner

6 November 2025