

**HUTT CITY COUNCIL**  
**NOTICE OF REQUIREMENT FOR DESIGNATION**  
**EASTERN HILLS RESERVOIR – SUMMIT ROAD, FAIRFIELD**  
**MINUTE 1 OF THE INDEPENDENT HEARINGS COMMISSIONER**

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## **Introduction**

1. I have been appointed by the Hutt City Council to consider, hear and determine a notice of requirement for a designation for the construction, operation and maintenance of a new reservoir at the top of Summit Road, Fairfield.
2. The Council is also the requiring authority for the designation. Where I refer to 'requiring authority' below, this is to be distinguished from the Council's regulatory role under the Resource Management Act 1991 (**RMA**). In the latter respect, I refer to the Council as 'HCC'.
3. The notice of requirement was publicly notified on 28 March 2024, and six submissions were received.
4. The general purpose of this Minute is to establish preliminary arrangements for the hearing and the associated exchange of information between HCC, the requiring authority and submitters prior to the hearing. Specifically, this minute covers the following matters:
  - (a) hearing details;
  - (b) circulation of evidence & legal submissions;
  - (c) hearing process and presentations;
  - (d) pre-hearing meetings; and
  - (e) site and locality visits.
5. It is likely that I will issue additional minutes with further requests and instructions, before, during and/or after the hearing.

## **Hearing details**

6. The hearing has been scheduled for **Thursday 28 November 2024** at the Hutt City Council Civic Offices at 30 Laings Road in Lower Hutt.
7. HCC will provide further details about the hearing venue and timetable in due course through its formal notice of hearing.
8. Subsequently, HCC will contact the requiring authority and submitters to schedule presentations from all parties who have confirmed a desire to be heard.
9. 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.

## Circulation of evidence

10. Pursuant to sections 41B and 42A of the RMA, I 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 HCC will be made available a minimum of 15 working days prior to the start of the hearing, being by **7 November 2024**;
  - (b) any expert evidence called by the requiring authority will be made available no later than **14 November 2024**; and
  - (c) any expert evidence called by submitters will be made available by **21 November 2024**.
11. For all parties, the evidence is to be emailed to HCC'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](mailto:Saritha.Shetty@huttcity.govt.nz).
12. All evidence and hearing information will be available on the Council website.
13. To be clear, submitters *do not* need to pre-circulate any presentation material they wish to speak to themselves at the hearing. The exchange process above is only required for expert witnesses called by submitters should any submitters choose to do so. 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

14. 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 Tuesday 26 November 2024**.

## Hearing process and presentations

15. 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.
16. For starters, I encourage submitters to refer to the useful guides about resource management hearings available from the Ministry for the Environment. The link below, in particular, is a great source of information:  
<https://environment.govt.nz/assets/Publications/Files/3.3-appearing-at-a-hearing.pdf>
17. 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.
18. 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.

19. 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.
20. 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.
21. 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 precis of key points raised in evidence.
22. If the former, I ask that experts bring sufficient hard copies of the summary to circulate to parties in attendance at the hearing.

### **Pre-hearing meetings**

23. I do not intend to direct any expert witness conferencing for this hearing. Any experts of similar disciplines are, nevertheless, welcome to confer before the hearing if parties consider it would assist me.
24. Similarly, I do not intend to make any directions for a pre-hearing meeting; however, I note there is ample time for discussions to be held between the parties – either formally or informally – before the hearing date should they choose.
25. Given the relatively low number of submissions on this proposal, pre-hearing meetings may be an effective way for parties to enhance the shared understanding of respective views and/or to narrow any issues that might be in contention.

### **Site and locality visits**

26. I am familiar with the site and locality, but will be conducting further detailed visits of the area to assist with my understanding of the proposal.
27. If any party has a desire for me to visit particular sites/areas they should advise Ms Shetty as soon as possible.

## **Next Steps**

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



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J C Jones  
Independent Hearings Commissioner

**14 November 2024**