

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application for resource consent for the extension of the car park for the New World supermarket in Khandallah, including earthworks and associated signage.

## **Minute #1 of Independent Hearing Panel**

**26 Ganges Road, 3 Dekka Street, 31 and 33 Nicholson Road, Khandallah  
Applicant: Foodstuffs Properties (Wellington) Ltd c/o Barker & Associates Ltd  
Wellington City Council Service Request Number: 517439**

A Panel of Independent Hearing Commissioners has been appointed with the appropriate delegated authority from Wellington City Council to consider the above application and the submissions received and to make a decision. The Panel comprises:

- Robert Schofield (Chair)
- Jane Black
- Mary O'Callahan

A 2-day hearing has been scheduled to assist the Panel in making a determination on the resource consent application.

### **Hearing details:**

**Location:** Tory Room, Urban Hub, Level 2-4, 318 Lambton Quay, Wellington City  
**Date:** Commences Wednesday 1 May 2024; concludes Thursday 2<sup>nd</sup> May 2024  
**Time:** 9.30 am start each day

If the hearing requires a third day, it shall be reconvened at the following venue:

- Room 16.11, Wellington City Council, Level 16, 113 The Terrace

A schedule for the hearing, including timetabling of appearances, shall be issued by the hearing administrator prior to the hearing.

### **1. Submission of Expert Evidence:**

The Resource Management Act set out revised procedures for the pre-exchange of evidence which is a requirement for all expert evidence at hearings. The following is the timeline for the submission of this evidence (the dates exclude Anzac Day on 25<sup>th</sup> April which is a public holiday):

#### ***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 at least

15 working days before the hearing (section 103B(2) of the Act). This would be no later than **5pm Monday 8<sup>th</sup> April 2024**.

***Applicant's evidence***

A copy of evidence of Foodstuffs Properties (Wellington) Ltd as applicant must be provided to the Council at least 10 working days before the hearing (section 103B(3)). This would be no later than **5pm Monday 15<sup>th</sup> April 2024**.

***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 Monday 22<sup>nd</sup> April 2024**.

**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 Council's evidence, 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 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, evidence and any information provided by submitters will be made available at the Council offices at the timeframes set out above. In addition, all parties will be sent an electronic link to the evidence submitted.

**3. The Hearing:**

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
- 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
- At the start of the hearing, I will confirm with the reporting officer whether there are any corrections or changes since the section 42A report was circulated
- The applicant or their representative will then present the application and summarise the key points and answer any questions the Panel may have
- The applicant will then call their witness(es) in person to draw to my attention the key points in their pre-circulated evidence, and answer any questions the Panel may have

- The submitters may then talk to their submission and call any witness(es) in person to summarise their pre-circulated evidence to draw to my attention the key points in their evidence, and answer any questions the Panel may have
- The reporting officer and any expert adviser shall then be asked to respond to any matters arising during the hearing and, in particular, whether they wish to change any recommendations, and
- The applicant will then have the right-of-reply.

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.

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

<http://www.mfe.govt.nz/publications/rma/everyday-guide-rma-appearing-council-resource-consent-hearing>.

#### **4. Site visit**

The Panel will be undertaking a site visit prior to the hearing commencing. We will do so unaccompanied by any other parties, although, if access to the site itself is required, the visit may need to be arranged through the Applicant. We may undertake a further site visit during or after the hearing.

#### **5. Correspondence**

Any questions about the Hearing should be directed through Sarika Sam via [planning.admin@wcc.govt.nz](mailto:planning.admin@wcc.govt.nz).

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 that we make the most efficient use of everyone's time.



**Robert Schofield**  
Chair  
5 March 2024