

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER OF

applications by Wellington City Council
and the Fale Malae Trust for resource
consents for the redevelopment of
Frank Kitts Park and construction of a
Fale

BY

WELLINGTON CITY COUNCIL

Applicant

AND

FALE MALAE TRUST

Applicant

**JOINT MEMORANDUM TO THE HEARING PANEL ON BEHALF OF WELLINGTON CITY
COUNCIL AND FALE MALAE TRUST**

25 September 2025

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MAY IT PLEASE THE HEARING COMMISSIONER:

1. This joint memorandum is filed on behalf of Wellington City Council (**Council**) and the Fale Malae Trust (**Trust**) (together, the **Applicants**) in relation to land use and subdivision¹ consents associated with the redevelopment of Frank Kitts Park and the construction and occupation of a new Fale building.
2. On 24 September 2025 Independent Commissioner Daysh issued Minute #1 which:
 - (a) confirmed a two-day hearing commencing 3 November 2025 at Wellington City Council's premises at 113 The Terrace, Wellington;
 - (b) set out procedures for the pre-exchange of evidence and legal submissions; and
 - (c) outlined other information relating to the hearing.
3. This memorandum:
 - (a) addresses the Applicants' proposed approach to case presentation at the hearing, in light of the integrated nature of the joint applications;
 - (b) provides an indicative list of the Applicants' witnesses (and batting order); and
 - (c) seeks directions from the Hearing Commissioner in relation to:
 - (i) the Consent Authority's and submitters' respective witnesses; and
 - (ii) witness attendance.

Applicants' integrated approach to case presentation

4. The nature of the works and required management necessitated separate applications from the Council and Trust for different parts of the project. Regardless, the Applicants consider the appropriate approach to the assessment of the multiple consent applications remains the 'standard RMA' approach, where a holistic assessment must be made of all activities and effects of interrelated land uses, irrespective of which application the activities and effect relate to.

¹ Relevant to the Council's applications only.

5. The Applicants' written evidence and legal submissions are being prepared to enable this holistic assessment, including by preparing joint written legal submissions. Further, as set out below the Applicants seek that oral evidence presented by witnesses is not divided by applicant but is instead presented on a 'thematic' basis by topic as set out below. It is expected this will assist the Hearing Commissioner with a holistic assessment of all activities and effects.

Applicants' indicative witnesses and batting order

6. Subject to the directions sought below, at this stage the Applicants' indicative list of witnesses, and proposed batting order, is as follows:
 - (a) Project overview / corporate evidence:
 - (i) Ian Pike (Trust);
 - (ii) Trustee representative (TBC) (Trust);
 - (iii) Katrina Gaston (Council);
 - (b) Expert architecture / design evidence:
 - (i) Laura Cooke (architecture), Jasmex (Trust);
 - (ii) Deyana Popova (urban design), Urban Perspectives (Trust);
 - (iii) Nicole Thompson (landscape design), Wraight + Associates (Council);
 - (iv) Len Hetet (co-design), Baked Design (Council);
 - (c) Expert traffic / transportation expert evidence
 - (i) Gary Clark, Traffic Concepts (Trust and Council);
 - (d) Expert planning evidence:
 - (i) Alistair Aburn, Urban Perspectives (Trust); and
 - (ii) Jason Jones, Resource Management Group (Council).

Requested directions

7. Based on initial discussions between the Applicants' planners and the consenting officer, and the low number of submissions in opposition to the

Project, the Applicants are anticipating a relatively limited set of issues remaining in contention. Subject to any new issues being raised, it is not envisaged that any of the Applicants' other technical experts will be required to prepare evidence or attend the hearing.

8. To ensure additional witnesses can be made available to respond to any new issues if required, the Applicants respectfully request that the Hearing Commissioner:
- (a) direct that the Council (in its consent authority capacity) and any submitters intending to speak at the hearing, provide a list of witnesses by 2 October 2025; and
 - (b) grant leave to the Applicants to file a further memorandum, within five working days after receipt of any lists pursuant to paragraph [8(a)], formally seeking to have the attendance of witnesses that are not required for the hearing excused.

Dated this 25th day of September 2025



David Allen / Esther Bennett / Sean Chan

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Buddle Findlay
(Applicant)



Paula Brosnahan / Hadleigh Pedler

Counsel for Fale Malae Trust
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