

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of applications for
resource consent to redevelop Frank
Kitts Park (SR558695) and to
construct and operate a Fale within
the Park (SR558706), Jervois Quay
Wellington.

Minute #1 of Independent Commissioner Hearing Commissioner Frank Kitts Park Redevelopment and Proposed Fale Council Reference Numbers SR558695 and SR558706

1. Introduction

This minute concerns hearing procedures in respect of two resource consent applications on behalf of Wellington City Council and the Fale Malae Trust for redevelopment of Frank Kitts Park and for construction of a Fale, located at Jervois Quay, Wellington.

I have been delegated authority from Wellington City Council (WCC) to consider the proposals under the Wellington City District Plan and the submissions received. A hearing has been scheduled to assist me in determining the resource consent applications. Both applications will be considered at the one hearing.

Hearing details:

Location: Day 1 – Room 16.11 Whataitai – Level 16, 113 The Terrace, Wellington Central
Day 2 - Room 16.11 Whataitai – Level 16, 113 The Terrace, Wellington Central
Dates: Monday **3 November 2025** and Tuesday **4 November 2025**
Time: 9:00 am start each day

2. Submission of Expert Evidence:

Procedures for the pre-exchange of evidence are provided for in the Act. This is a requirement for all expert evidence at hearings. The following is the timeline for the submission of the evidence:

Council evidence

A copy of the planning officer's recommendation report (s42A Report) and any expert evidence prepared by Council officers or advisers must be provided to the applicant and submitters 15 working days before the hearing (section 103B(2) of the Act). To take into account that Labour Day falls within this period, this would be no later than **5pm Thursday 9 October 2025**.

Applicant's evidence

A copy of the applicant's expert evidence must be provided to the Council 10 working days before the hearing (section 103B(3)). This would be no later than **5pm Thursday 16 October 2025**.

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 Thursday 23 October 2025**.

Legal submissions

Any opening legal submissions shall be pre-circulated by **5pm Wednesday 29 October 2025**.

Non-expert evidence including submitter lay evidence over 3 pages shall be received by **5pm Wednesday 29 October 2025**.

Non-expert evidence including submitter lay evidence under 3 pages in length should be tabled and read aloud on the day that the relevant party appears at the hearing.

3. Viewing evidence:

The Council is required to make all briefs of evidence available as follows:

- the authority's evidence, to the applicants and 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 the applicants and 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, the applicant's evidence and any evidence provided by submitters will be made available via a webpage to provide access to all the documents. This has been set up and can be accessed on the link below.

[Resource consent application for 15 and 29 Jervois Quay - Building and resource consents - Wellington City Council](#)

4. The Hearing:

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

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

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;
- The applicant or submitter who has provided the pre-circulated evidence is to call the witness in person;
- The witness should be introduced and asked to confirm his or her qualifications and experience;
- The witness should be asked to confirm the matters of fact and opinion contained in the brief of evidence;
- The witness will then be given an opportunity to draw to my attention the key points in the brief. 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.

- If written or spoken evidence in Te Reo is to be requested by a submitter this is acceptable if at least one week's notice is given to enable an interpreter to be available.
- I may then question the witness.

5. Correspondence

Any correspondence with me should be directed through Surabhi Deshmukh via busplanningadmin@wcc.govt.nz

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 hearing coordinator 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 the most efficient use is made of everyone's time.



Lindsay Daysh
Independent Commissioner

24 September 2025