

HUTT CITY COUNCIL
RM220088
LAND USE CONSENT – DIGITAL BILLBOARD
47 THE ESPLANADE, PETONE
MINUTE 1 OF THE HEARING PANEL

Introduction

1. We have been appointed by the Hutt City Council (“**Council**”) to hear and determine an application by Mediaworks Outdoor Limited (“**the applicant**”) for land use consent to construct a digital billboard at 47 The Esplanade in Petone.
2. The application was limited notified in 2023, and sixty-two submissions were received.
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) circulation of evidence & legal submissions;
 - (c) confirmation of submitter appearances;
 - (d) hearing process and presentations;
 - (e) pre-hearing meetings; and
 - (f) site and locality visits.
4. It is likely that we 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 Tuesday 18 and Wednesday 19 June 2024 at the Hutt City Council Civic Offices at 30 Laings Road in Lower Hutt. A reserve day will be set down for the week of 24 June should it be required.
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 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 and allowing for the King’s Birthday statutory holiday we 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 **24 May 2024**;
 - (b) the applicant's expert evidence will be made available no later than **31 May 2024**; and
 - (c) any expert evidence called by submitters will be made available by **10 June 2024**.
8. For all parties, the evidence is to be emailed to Council's hearing administrator, Mr Clark Williams, **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. Mr Williams' email address is Clark.Williams@huttcity.govt.nz.
9. All evidence and hearing information will be available on the Council website.
10. To be clear, submitters *do not* need to pre-circulate any presentation material they wish to speak to at the hearing. The exchange process above is only required if the submitter is calling any expert witnesses. For any questions of clarification about professional expertise and the code of conduct for expert witnesses, submitters can contact Mr Williams in the first instance.

Legal submissions

11. If any party intends to have legal representation at the hearing, we direct any legal submissions to be provided to Mr Williams for circulation by 3pm on Friday 14 June 2024.

Submitters to confirm desire to be heard

12. The Council has advised that several submitters have not indicated whether or not they wish to be heard in their formal submission notice and/or whether they are prepared to present jointly with other submitters.
13. It may also be the case that some submitters who originally stated a preference to be heard (or not) have subsequently changed their mind since submissions were received.
14. It is important for the scheduling of the hearing that all parties who wish to present to us confirm that desire with the Council as soon as practicable, including any desire to provide joint presentations with others.
15. We accordingly direct that all submitters who wish to be heard confirm that to Mr Williams by 5pm on Monday 29 April along with any intention to present jointly with others. If submitters intend to call expert evidence or legal submissions, that should be signalled in the response as well to assist with scheduling.

Hearing process and presentations

16. Equipped with the above information, the Council will then be in contact with the applicant and submitters to schedule presentations from all parties who have confirmed a desire to be heard.
17. 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 Mr Williams as soon as practicable.

18. We anticipate that a hearing of this nature may be a new experience for some submitters, so we will take a brief moment here to provide some information about the hearing for context.
19. For starters, we 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/>
20. Consistent with this guide, our preference is for proceedings to be relatively informal. However, a degree of formality is inherent in hearings of this nature, and we will speak to that at the outset of proceedings.
21. More substantively, the hearing will enable us to hear the issues raised in the submissions in greater detail, and to be able to ask questions to improve our understanding of those issues.
22. 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.
23. We will have read all submissions and evidence in advance of the hearing. On that basis, we 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 the Panel to consider.
24. Any experts may speak to a brief summary of their evidence during the hearing, and we 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.
25. If the former, we ask that experts bring sufficient hard copies of the summary to circulate to parties in attendance at the hearing.

Pre-hearing meetings

26. We do not intend to make any directions for a pre-hearing meeting; however, we note there is ample time for discussions to be held between the parties – either formally or informally – before the hearing date should they choose.
27. Similarly, we 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 us.

Site and locality visits

28. We are familiar with the site and locality, but will be conducting further detailed visits of the area to assist with our understanding of the proposal.
29. If any party has a desire for the Panel to visit particular sites/areas they should advise Mr Williams as soon as possible.

Next Steps

30. Details for the hearing will be provided by the Council in due course.
31. If any party has any questions regarding the above in the meantime, please contact Mr Williams in the first instance.



J C Jones (Chair)
On behalf of the Hearing Panel

8 April 2024