

**Minute #1 of Independent Hearing Panel**  
**Te Uruhi resource consent application - Marine Parade**  
**Reference No. RM210149**  
**Request for adjournment of hearing**

1. We have received a request on behalf of submitters Clare Holden and Michael Wilson seeking that the hearing scheduled for 3-5 October 2022 to be adjourned. The details of this request are attached.
2. The adjournment period sought is an unspecified date following the local body elections (i.e. after 8 October 2022).
3. We are delegated to hear and make the decision on the Te Uruhi resource consent application under the Resource Management Act 1991. This includes delegation to determine any preliminary or procedural matters associated with this application, including this request. Before we make this determination, we would like to provide parties with the opportunity to address us on this matter, if they wish to.
4. The applicant and other submitters are therefore invited to provide brief written comments on the adjournment sought by Chris Mitchell, on behalf of Clare Holden and Michael Wilson, setting out:
  - a. Your position on the adjournment sought by Clare Holden and Michael Wilson – i.e support, oppose or neutral
  - b. The impact of the requested adjournment on you
  - c. Any provisions of the RMA that you consider are relevant to this procedural matter.
5. Any responses are required no later than **9.00am Tuesday 27 September 2022**. We will confirm our decision on this procedural matter by midday Wednesday 28 September 2022.
6. Any correspondence with us should be directed through Emma Bean via [emma.bean@kapiticoast.govt.nz](mailto:emma.bean@kapiticoast.govt.nz)

**Mary O'Callahan**  
Independent Commissioner (Chairperson)

**Linda Kerkmeester**  
Independent Commissioner

**Jade Wikaira**  
Independent Commissioner

Attached – request for adjournment

# Mitchell Law

Public Law  
Resource Management

*Sunshine Hill  
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Phone 04 293 3646  
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20 September 2022

Chief Executive  
Kapiti Coast District council  
Rimu Road  
Paraparaumu

by email [gary.simpson@kapiticoast.govt.nz](mailto:gary.simpson@kapiticoast.govt.nz)

Dear Mr Simpson

## **Resource consent application RM210149 Request for adjournment of hearing**

I act for Clare Holden and Michael Wilson who have made a submission on the above application by the Council.

This letter is a request that the hearing scheduled for 3-5 October 2022 be adjourned. This request is supported by all other submitters except for Mr and Mrs Ashton who only received this letter in draft today and may not have had time to consider their position.

I ask that:

- This request be referred to the hearing commissioners for a decision; and that
- The Council, as applicant, support the request or remain neutral.
- These are separate actions and should be processed separately.

## **The reasons for the request**

It is highly probable that the application will be withdrawn by a new Council after the October elections. At successive public meetings 5 of 6 mayoral candidates have consistently and emphatically stated that the project should be cancelled; the remaining candidate favours a modification of the proposal in consultation with iwi. The position at meetings of Council candidates is similar – only one candidate has stated that she supports continuing with the project. On that basis the withdrawal of the application appears inevitable.

It is therefore highly probable that the costs of continuing with the hearing will be wasted, not just for the Council but for all submitters. These costs are likely to be significant: if not in excess of \$100,000, then in the high tens of thousands of dollars for the Council alone.

In these circumstances it would be irresponsible for Council management to continue with the proposed hearing. The costs of an adjournment for a relatively short period would be significantly less than the wasted expense on what will almost certainly be a pointless exercise.

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For the hearing commissioners, I accept that the usual approach is that the applicant is entitled to have the application heard, if that is what it wants. But this is a special case where the decision making on the project will undoubtedly be reviewed within a matter of a few days after the currently scheduled hearing. This has always been both a political decision, and a highly contentious project which has become a key issue in the local elections.

It is therefore in the public interest that the commissioners grant a short adjournment or deferral of the hearing to allow the future of the project to be decided by the new decision making body. Unnecessary costs are not in the public interest. In the highly unlikely event that the Council decides to continue with the application, a relatively short delay will not cause it any prejudice.

It is likely that this request will become public knowledge in short time.

I look forward to your reply

Regards

A handwritten signature in blue ink, appearing to read 'Chris Mitchell', is centered on the page.

**Chris Mitchell**  
**Principal**