

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

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IN THE MATTER of hearings on submissions on the Proposed Kaipara District Plan

BEFORE Independent Commissioner: Mark Farnsworth (Chair)
for Kaipara District Council.

Third Direction of the Hearing Panel: Hearing Requirements

1. This Third Direction arises from the management of hearings going forward and sets out a timetable for the exchange of evidence and information to ensure the hearings proceed in an efficient manner.

Hearings to be Arranged on a Topic Basis

2. Hearings will be arranged on a topic-by-topic basis, the breakdown of which will be provided in due course by Council. It is expected this will largely be based on each chapter or section of the Proposed District Plan although there are matters such as requests to rezone, or requests for whole new chapters which will depart from this approach. This approach means that submitters who have submitted on multiple topics are likely to have to attend a number of different hearing sessions. That said, the Hearing Panel will endeavour to ensure that each topic is sufficiently broad so that a submitter will need to attend as few topic hearings as is realistically achievable.

Timing for exchange of evidence and information

3. Prior to each topic hearing commencing, Reporting Officers must deliver a report in accordance with section 42A of the Resource Management Act (**RMA**) which assesses each of the submissions and further submissions and makes recommendations. The timing of this report then determines the consequential timing for evidence preparation and pre-circulation of documents from submitters, and ultimately the timing of each hearing. The Hearings Panel therefore directs the following timetable for each hearing other than zoning hearings:

25 working days prior to the hearing commencing	Council's section 42A report is published on the KDC website.
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15 working days prior to the hearing commencing	Submitter evidence is due (both expert and lay evidence).
10 working days prior to the hearing commencing	Submitter rebuttal evidence is due (both expert and lay evidence). This is an opportunity for submitters to respond to matters raised in evidence by other submitters (restricted to those matters where they have scope via a submission or further submission).
5 working days prior to the hearing commencing	Council's Reporting Officer publishes a section 42A addendum report. The purpose of this report is to record where the evidence has caused the Reporting Officer to change their recommendations, or where further information in response to the evidence will assist the Hearings Panel.
3 working days prior to the hearing commencing	Legal submissions are to be filed. A highlights package of each statement of evidence (both expert and lay evidence) is to be filed in accordance with paragraphs 11 and 12 below.

4. The Council's report on each hearing topic (prepared in accordance with section 42A of the Resource Management Act) is required to be available on the Council's website at least 25 working days prior to the commencement of the hearing of that topic. Hard copies will not be provided to submitters, however links to the documents will be emailed to the relevant submitters to that hearing as soon as the reports are available.

Alternative Approach for the Zoning Hearings

5. As to be expected, a large number of the submissions pertain to zoning – either supporting the application of a zone as notified or seeking an alternative zoning. The requests for rezoning on a district plan review are often site-specific and require detailed site-specific assessments to be undertaken. The Council cannot be expected to provide that level of information as it is costly and time-consuming. That is properly the responsibility of the individual submitters seeking the rezoning request. For this reason, the hearings for zoning will follow a different process and timetable for the exchange of evidence as follows:

80 working days prior to the commencement of the hearing	Submitters who have addressed zoning are to indicate 80 working days prior to the hearing whether they wish to "opt in" to the alternative process. By "opting in" the submitter undertakes to provide technical evidence at the 60 day mark, and engage in
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	pre-hearing discussions with the Reporting Officer prior to filing evidence. Submitters that choose not to “opt in” can still engage in the process once the section 42A report is made available but do so on the understanding the section 42A report will not provide any on-site technical assessments.
60 working days prior to the commencement of the hearing	Submitter evidence is due for those submitters who have chosen to “opt in” at the 80 working day mark (both expert and lay evidence).
45 working days prior to the commencement of the hearing	Evidence from further submitters is to be filed (both expert and lay evidence).
20 working days prior to the hearing commencing	Council's section 42A report is published.
10 working days prior to the hearing commencing	Submitter rebuttal evidence is due (both expert and lay evidence). This is an opportunity for submitters to respond to matters raised in evidence by other submitters (restricted to those matters where they have scope via a submission or further submission).
5 working days prior to the hearing commencing	Council's Reporting Officer publishes a section 42A addendum report. The purpose of this report is to record where the evidence has caused the Reporting Officer to change their recommendation, or where further information in response to the evidence will assist the Hearings Panel.
3 working days prior to the hearing commencing	Legal submissions are to be filed. A highlights package of each statement of evidence (both expert and lay evidence) is to be filed in accordance with paragraphs 11 and 12 below.

Hearing of Submissions and Evidence

- Submitters who have indicated in their submission form that they wish to be heard will be advised of the dates and venue for each topic hearing at least 25 working days prior to the commencement of the hearing of that topic. The dates for the zoning hearing will be communicated to submitters at least 80 days in advance of the hearing.

7. The Hearings Administrator will contact submitters to schedule a time for them to appear at the hearing for each topic. This contact will be to the contact person, and via mail or email, as identified on the submission form. If any of these details have changed, please advise the Hearings Administrator.
8. To efficiently manage submitters' attendance time at the hearing, each hearing day will be divided into 4 sessions, and submitters will be allocated one session. Precise "appointment times" will not be allocated. Hearing schedules will be posted on the Council website as soon as they are available, but at least 10 working days prior to the commencement of the hearing of that topic.
9. Submitters will have the option to either:
 - a. Simply speak to their written submission and/or further submission at the relevant topic hearing; or
 - b. Present written evidence (lay evidence or expert evidence) and, if they wish, present legal submissions in support of their submission and/or further submission.
10. Submitters who wish only to speak to their written submission and/or further submission without filing evidence, will be allocated 15 minutes in which to do so.
11. All the original submissions and further submissions, the section 42A report and all evidence on a particular topic will have been pre-read by the Hearing Panel prior to the hearings. Accordingly, any person that is either speaking to their submission or further submission, or presenting evidence, will be restricted to providing a "highlights package" of no more than 15 minutes, with a particular emphasis being placed on matters that are in dispute.
12. The "highlights package" referred to in paragraph 11 is to comprise a short written summary of maximum 3 pages, which is to be provided to the Hearings Administrator at least 3 working days prior to the hearing session at which it is to be presented.
13. Any submitter who considers that the time limits specified in paragraphs 11 or 12 prejudice their ability to present their submission and or/evidence on a topic adequately, may seek leave to amend their time limits in writing at least 10 working days prior to the commencement of the hearing of that topic. Any request for leave should be made in writing to Hearings Administrator at the address set out below.
14. Any submitter who wishes to present late or supplementary evidence, will only be permitted to do so if the Hearing Panel considers it to be necessary and provided leave to do so has first been sought and granted by the Hearing Panel. Any request for leave should be made to the Hearings Administrator at the address set out below.
15. Any person presenting a submission or evidence at any hearing session, may do so in Te Reo Māori, provided that the Hearings Administrator is advised, in writing, at least 20 working days prior to the commencement of the hearing of that topic, so that an interpreter can be arranged.
16. Any person presenting a submission or evidence at any hearing session, may do so in New Zealand Sign Language, provided that the Hearings Administrator is advised, in writing, at least 20 working days prior to the commencement of the hearing of that topic, so that an interpreter can be arranged.

Hearing Venues

17. Hearing venue(s) for the various hearing topics will be advised at the time the notices of Hearing for each topic are issued.

Section 32AA Evaluations

18. Section 32AA of the RMA requires that a further evaluation in accordance with section 32(1) to (4) be carried out for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed. The Hearings Panel expects that each section 42A report will contain an evaluation of any recommended changes in accordance with section 32, but at a level of detail that corresponds to the scale and significance of the changes recommended.
19. Those submitters who are seeking a change are strongly encouraged to include with their evidence a section 32AA type evaluation to support their request(s).

Closing Statements for all Hearings

20. A closing statement from the Reporting Officer(s) will be required at the completion of each hearing. The purpose of the closing statement is for the Reporting Officer to summarise the information presented at the hearing and analyse whether, and how, this has caused them to change their recommendation. A closing statement will generally be expected within two weeks of the end of the respective hearing. The Hearings Panel will exercise its discretion and extend the timeframe for more complex hearings or where new information is presented at the hearing.

Communication with the Hearings Panel

21. Any and all communications to the Hearing Panel, including the formal service of all documents, are to be provided in writing to the Hearings Administrator, Ms Meagan Walters at the email address set out below.

Questions

22. Any questions regarding this Third Direction, and any requests for leave or interpreters as identified in paragraphs 13 to 16 of this Direction, should be directed to:

Ms Meagan Walters, Hearings Administrator at (Email address) mwalters@kaipara.govt.nz



Mark C Farnsworth MNZM
Panel Chair

23 September 2025