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Independent RMA/EEZ Hearing Commissioner & Resource Management Practitioner

Panel Chair's Memorandum: Private Plan Change 81 application for the Dargaville Racecourse by **Dargaville Racecourse Inc.**

For the attention of: Panel Members;
Applicant – Legal Counsel & Experts
Council – Reporting Officer & Staff
Submitters – Legal Counsel & Experts

10 March 2023

As chair of the panel, I wish to draw your attention to, or remind you of, the requirements of RMA section 39(2)(a):

39 *Hearings to be public and without unnecessary formality*
(2) *In determining an appropriate procedure for the purposes of subsection (1), the authority shall—*
(a) avoid¹ unnecessary formality;

Over the last couple of years, I have observed, with growing concern, that the formality of hearings has slowly been ramping up. Hearing panels have been even adopting the vernacular of the court².

When the RMA was put in place there was a clear recognition that lay persons do, and could, find appearing hearing daunting (facing a room of suits/power dressers). Section 39(2)(a) was put in place to provide clear advice. I hold the view that by using the word 'avoid' the Act is providing us very clear direction.

Some district councils have recognised the need, as the appointing authority to provide advice on dress – smart casual. I do not intend to provide similar advice. I just ask participants to reflect on the need to *avoid unnecessary formality*.



Panel Chair

¹ My emphasis

² Calling RMA sections 42B & C 'directions' minutes. The Act makes no reference to 'minutes'.