

**IN THE MATTER OF
AND**

the Resource Management Act 1991

IN THE MATTER OF

Proposed Private Plan Change 82
to the Kaipara District Operative
District Plan: Moonlight Heights

SECTION 41B RESOURCE MANAGEMENT ACT 1991

DIRECTION #1

HEARING PANEL

PRELIMINARIES

1. Under section 34A of the Resource Management Act 1991 (RMA), Kaipara District Council (Council) has delegated to Dr Lee Beattie (Chair), Deputy Mayor Cr Jonathan Larsen and Ms. Melean Absolum as hearings commissioners (Hearing Panel) the power to hear submissions and make a recommendation to Council on proposed Private Plan Change 82 – Moonlight Heights (PC 82).
2. Moonlight Heights Limited (MHL) lodged its private plan change request in June 2022. PC 82 was accepted by Council and notified on 12 December 2022; submissions closed on 17 February 2023, with a 14-day extension given until 9 March 2023. Further submissions were notified on 26 April 2023 and closed on 28 May 2023.
3. The purpose of Direction #1 is to set out the directions for the hearing of PC 82 and to establish a timetable for the exchange of evidence.

HEARING

4. The hearing will be held on Tuesday 8, Wednesday 9 and Thursday 10 August 2023 at The Lighthouse Function Centre, 32 Mt Wesley Coast Road. A hearing notice advising parties about the venue and times will issue in due course.
5. After liaising with all parties/submitters in advance of the hearing, the Hearing Administrator (Ms. Taiawhio Wati-Kaipo, Graduate Planner) will prepare a hearing schedule which will show the hearing sequence and time allocated to each party/submitter that seeks to be heard by the Hearing Panel. However, it should be noted that there may be some variation to that schedule during the hearing due to any circumstances that may arise.

EXCHANGE OF EVIDENCE

6. Section 41B of the RMA sets out the minimum timeframes for the provision of evidence prior to the commencement of a hearing. Consistent with s41B and in the interest of facilitating an efficient and effective hearing, the Hearing Panel sets the following timetable for the exchange of evidence:

- (a) The Council's s42A Hearing Report is to be provided to the Hearing Administrator no later than 4pm Tuesday, 11 July 2023.
- (b) The proponent's expert evidence-in-chief is to be provided to the Hearing Administrator no later than 4.00pm Wednesday, 18 July 2023.
- (c) Any submitter expert evidence is to be provided to the Hearing Administrator no later than 4.00pm Tuesday, 1 August 2023.
- (d) Any party intending to present legal submissions shall provide a copy of the written legal submissions to the Hearing Administrator no later than 4.00pm, Friday 4 August 2023.

HEARING PROTOCOL

- 7. Unless otherwise advised by the Hearing Panel, all pre-circulated evidence will be taken as read by the Hearing Panel. Accordingly, witnesses will not be required to read their pre-circulated evidence in full at the hearing. Instead, witnesses should present a written summary of their evidence, which may include any evidence prepared in rebuttal – noting that rebuttal is not an opportunity to advance new material nor to repeat points already made in primary evidence. On the day of the hearing, and prior to their presentation to the Hearing Panel, witnesses are requested to hand 10 hard copies of any written summary to the Hearing Administrator.

PROVISION OF MATERIAL AND COMMUNICATIONS TO THE PANEL

- 8. All communications to the Hearing Panel and all material required by any direction of the Hearing Panel are to be provided to the Hearing Administrator via the following email address: planchanges@kaipara.govt.nz.
- 9. Upon receipt of any such communications and material the Hearing Administrator will liaise with Council staff to ensure that they are uploaded to Council's PC 82 webpage on the same day they are provided and immediately notify all parties that they are available online. The PC 82 webpage can be accessed via the following link: <https://www.kaipara.govt.nz/services/district-plans/plan-changes/private-plan-change-82-moonlight-heights>.



Dr Lee Beattie (Chairperson)
For the Hearing Panel

29 June 2023