

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Private Plan Change 83 by The Rise Limited to the Operative Kaipara District Plan 2013.

### **HEARING DIRECTION #1 FROM THE HEARING PANEL**

#### **PURPOSE**

- [1] The purpose of this Direction is to set out the timetable for the exchange of reports, evidence, legal submissions and lay representations.

#### **DIRECTIONS**

- [2] Pursuant to section 34A of the Resource Management Act 1991 (RMA,) Kaipara District Council (the Council) has appointed a Hearings Panel (the Panel) consisting of two independent hearing commissioners - David Hill (Chairperson) and Justine Bray - and Councillor Mike Howard (as a Commissioner). The function of the Panel is to hear the application and submissions to Private Plan Change 83 to the Kaipara District Plan and make a recommendation to the Council on the Plan Change proposal.
- [3] Plan Change 83 seeks to rezone and modify planning provisions on 56.9 hectares of land at Cove Road, Mangawhai. The purpose of the plan change is to rezone the location from Rural Zone to Residential Zone and create a bespoke Precinct.
- [4] The hearing has been set down for three days commencing on **Tuesday, 26 March 2024** to be held at the Mangawhai Bowling Club at 219 Molesworth Drive in Mangawhai. This is to enable the Applicant to present its case and for the submitters to present their submissions to the Panel.
- [5] In terms of procedural matters, section 41B of the RMA provides that the Council may direct that evidence from any expert be provided to the parties before the hearing. Section 42A of the RMA provides that the Council may prepare a report on the matters to be considered and be provided prior to the hearing. The Panel is aware that a section 42A report is being prepared by the Council.
- [6] Accordingly, the Hearing Panel directs as follows:
- (a) Pursuant to section 42A of the RMA, the section 42A hearing report and any associated expert evidence shall be provided to the Council's Planning Technical Support Officer no later than 12:00 noon, **Wednesday, 7 February 2024**. That section 42A report and any associated expert evidence shall be provided to the parties no later than 5.00 pm, **Wednesday, 7 February 2024**.

- (b) Pursuant to sections 41B(1) and (2) of the RMA, the Proponent’s expert evidence (evidence given by a professional with specialist qualifications and experience) is to be provided to the Council’s Planning Technical Support Officer no later than 12:00 noon, **Friday, 23 February 2024**. The Proponent’s expert evidence is to be provided to the parties no later than 5.00 pm, **Friday, 23 February 2024**.
- (c) Pursuant to sections 41B (3) and (4) of the RMA, any submitter who intends to call expert evidence at the hearing (evidence given by a professional with specialist qualifications and experience) is to provide that evidence to the Council’s Planning Technical Support Officer no later than 12:00 noon, **Friday, 8 March 2024**. That expert evidence is to be provided to the parties no later than 5.00 pm, **Friday, 8 March 2024**.
- (d) Rebuttal evidence from any party – as specified in section 8.4 of the Environment Court Practice Note 2023 – is to be provided to the Council’s Planning Technical Support Officer no later than 12:00 noon, **Friday, 15 March 2024**. That evidence is to be provided to the parties no later than 5.00 pm, **Friday, 15 March 2024**.
- (e) Opening legal submissions are to be provided to the Council’s Planning Technical Support Officer no later than 12:00 noon, **Friday, 22 March 2024**. Those submissions are to be provided to the parties no later than 5.00 pm, **Friday, 22 March 2024**.

[7] For the avoidance of doubt, “provide” in the above includes by electronic means and by posting on the Council’s website.

[8] While these Directions do not apply to lay or non-expert statements/evidence, the Panel would appreciate any written statements to be presented at the hearing by lay submitters to be provided to the Council’s Planning Technical Support Officer no later than 5.00 pm, **Wednesday, 20 March 2024** and made available to the parties as soon as practicable.

[9] As the Panel will have read all the pre-circulated material before the hearing, there will be no need for it to be read out. An executive summary may be read out or the key points highlighted.

[10] Any enquiries regarding these Directions or related matters should be directed to the Council’s Planning Technical Support Officer, Meagan Walters, by email at [planchanges@kaipara.govt.nz](mailto:planchanges@kaipara.govt.nz).



**David Hill**  
**Chairperson**

18 January 2024