

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

AND

IN THE MATTER of **Private Plan Change 84 Mangawhai Hills Limited.**

DIRECTION (1) FROM THE HEARING PANEL

HEARING PROCESS, DATES AND EVIDENCE EXCHANGE

1. Pursuant to sections 34 and 34A of the RMA, Kaipara District Council (the Council) has appointed a Hearing Panel consisting of independent hearing commissioners - Greg Hill (Chairperson) and Barry Mosley, and Councillor Gordon Lambeth (sitting as a Commissioner). The Hearing Panel's function is to hear and make recommendations to the Council on the submissions to Private Plan Change 84 (PC 84) and whether or not the Council should approve PC 84. Our delegations also include addressing any procedural matters.
2. This Direction sets out a number of procedural matters relating to the hearings. These include:
 - the hearing start date, venue and other procedural matters relating to the hearings;
 - the date the Council's section 42A reports will be available;
 - the evidence exchange dates (both expert and non-expert); and
 - a request for the filing of opening legal submissions.

Hearing Matters

3. The hearing is scheduled for **Tuesday 28 May 2024 – to Thursday 30 May 2024**, commencing at **9.00 am**, at the **Mangawhai Bowling Club at 219 Molesworth Drive in Mangawhai**.
4. The hearing format will be in-person, with the ability to present virtually (by remote facilities) if requested. The hearing will also be recorded.
5. The Council's Hearing Administrator, Meagan Walters will make contact shortly with the Applicant to request what witnesses will appear and how long is needed for it to present its case; and each submitter who indicated in their submission that they wished to be heard, and ask:
 - Do you still wish to be heard;
 - How much time you request to present your submission or evidence (see more on this below);
 - Will you present in-person (preferred) or virtually (by remote facilities); and

- If you intend to be represented by legal counsel and/or calling expert witnesses (eg transport, landscape, planning experts)¹.
6. Once the Hearing Panel knows how many people wish to speak, and for how long, we may need to issue a further Direction addressing submitter time allocation².
 7. 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 Panel and all parties. Section 41B of the RMA provides that the Council may direct that evidence from any expert be provided before the hearing.
 8. Accordingly, the Hearing Panel directs as follows:
 - (a) Pursuant to section 42A of the RMA, the section 42A hearing report is to be made available to the parties and on the Council's website no later than **5.00 pm, 12 April 2024**.
 - (b) The Applicant's expert evidence (evidence given by a professional with specialist qualifications and experience) is to be emailed to the Council (at the email address below), no later than **midday, Monday 29 April 2024**. It will then be made available to parties on-line no later than **5.00pm, Monday 29 April 2024**.
 - (c) Submitters' expert evidence (evidence given by a professional with specialist qualifications and experience) is to be emailed to the Council (at the email address below), no later than **midday, Monday 6 May 2024**. It will then be made available to parties on-line no later than **5.00pm, Monday 6 May 2024**.
 - (d) Any rebuttal evidence is to be emailed to the Council (at the email address below), no later than **midday, Monday 13 May 2024**. It will then be made available to parties on-line no later than **5.00pm, Monday 13 May 2024**.
 9. While these Directions do not apply to lay or non-expert statements/evidence, the Hearing Panel would appreciate any written statements to be presented to be provided to the Council (at the email address below) no later than **midday, Monday 20 May 2024**. These will be made available to the parties and on the Council's website no later than **5.00 pm, Monday 20 May 2024**.

¹ Submitters are not required to have legal counsel or expert witness, and can speak to your submission at the hearing if you have indicated an intention to appear at the hearing.

² Section 41C of the RMA (Directions and requests before or at hearings) enables the Hearing Panel to:

- (1) before or at the hearing, the authority may—
 - (d) direct a person who has made a submission, when presenting evidence or a submission, to present it within a time limit.

10. The Hearing Panel also encourages parties to pre-circulate any legal submissions in advance of the hearing, preferably no later than **midday, Wednesday 22 May 2024**. These will be made available to the parties and on the Council's website no later than **5.00 pm, Wednesday 22 May 2024**. The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
11. The purpose of these Directions is to provide the opportunity for the Hearing Panel and the other parties to have read and considered any legal submissions, evidence or statements in advance of the hearing to assist in understanding the case being presented. As the Hearing 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 or summary statement may be read out or the key points highlighted.
12. Any enquiries regarding these Directions or related matters should be directed to the Council's Administrator, Meagan Walters mwalters@kaipara.govt.nz



Greg Hill Chairperson
4 April 2024