

KAPITI COAST DISTRICT COUNCIL
PRIVATE PLAN CHANGE 84: AIRPORT ZONE
HEARING PANEL MINUTE 1
5 DECEMBER 2016
HEARING PROCEDURES

INTRODUCTION

1. The purpose of this Minute is to outline the procedures for the hearing of the Private Plan Change Request submitted by Kapiti Coast Airport Holdings Limited, hereafter Plan Change 84.
2. The Minute covers the following matters:
 - Plan Change 84
 - Hearing Date
 - Hearing Panel
 - Council Report and Evidence Preparation and Circulation
 - Legal Submissions
 - Material to be Pre-Read by the Hearing Panel
 - Hearing Process and Presentations
 - Hearing Administrator

PLAN CHANGE 84

3. Plan Change 84 (PC 84) is a private plan change request made by Kapiti Coast Airport Holdings Limited (KCAHL) pursuant to s73(2) of the Resource Management Act 1991 (the "RMA").
4. In summary, PC 84 seeks to change the Operative Kapiti Coast District Plan (ODP) provisions applying to the Airport Zone by removing the "prohibited activity" status that applies to some specific land use activities at the Kapiti Coast Airport. The change would enable resource consent to be sought for some specific retail activities, and for residential activities in the Airport Zone but outside for the Air Noise Boundary.
5. PC 84 was publicly notified on 24 February 2016. At the closing of submissions on 23 March 2016, a total of seven submissions were received from the following parties:
 - Coastlands Shoppingtown Ltd
 - Ngahina Developments Ltd
 - Alpha Corporation Ltd
 - Sheffield Properties Ltd
 - Richard Mansell
 - Ngahina Trust
 - New Zealand Transport Agency
6. Following public notification of a summary of the seven submissions, five further submissions were received from the following parties:
 - Coastlands Shoppingtown Ltd
 - Ngahina Developments Ltd
 - Alpha Corporation Ltd
 - Sheffield Properties Ltd
 - Richard Mansell

HEARING DATE

7. The hearing for the PC 84 will be held over three days: Monday, Tuesday and Wednesday **13, 14 and 15 February 2017**.

HEARING PANEL

8. The Kapiti Coast District Council (the "Council") has appointed a Hearing Panel comprising:
 - Alistair Aburn (Independent Commissioner and Chairperson)
 - Diane Amundsen (Independent Commissioner)
 - Miria Pomare (Independent Commissioner)
 - David McMahon (Independent Commissioner)
 - Cr Mike Cardiff (Commissioner)
9. The Hearing Panel is required to hear from the requestor (KCAHL), and all submitters and further submitters who wish to be heard, and prepare a report (with recommendations) on the plan change request for the Council's consideration and adoption.

COUNCIL REPORT AND EVIDENCE PREPARATION AND CIRCULATION

10. The Council's report on PC 84, prepared in accordance with s42A RMA, will be released on **Tuesday 20 December 2016**. It will be posted on the Council's website at [Plan-Change-84---Airport-Zone](#)
- 11.
12. Given the scale and significance of PC 84, the Hearing Panel has concluded that it is appropriate to issue directions under sections 41B and 41C of the RMA relating to the preparation and circulation of expert evidence. Accordingly, the following timetable is set for all expert evidence to be presented to the Hearing Panel:
 - Evidence on behalf of KCAHL
27 January 2017 (10 working days before the hearing)
 - Evidence on behalf of submitters and further submitters
3 February 2017 (5 working days before the hearing)
13. All evidence must be provided to the Hearing Administrator in an electronic-readable format (PDF, MSWord etc). Upon receipt the evidence will be posted on the Council's website.
14. All expert witnesses, including experts providing input to the Council's s42A Report, are asked whether they wish to adopt the Code of Conduct for Expert Witnesses set out in the Environment Court Practice Note 2014. If so, in addition to the other requirements set out in the Code, the evidence should include a statement that the overriding duty to the Environment Court expressed in the Code will be treated as a duty to the Hearing Panel.

LEGAL SUBMISSIONS

15. Legal submissions can be presented at the hearing. There is no requirement for these to be pre-circulated.

MATERIAL TO BE PRE-READ BY HEARING PANEL

16. The Hearing Panel will read the following material in advance of the hearing:
 - Private Plan Change Application
 - Submissions and Further Submissions
 - Council S42A Report
 - Pre-circulated evidence of KCAHL
 - Pre-circulated evidence of Submitters and Further Submitters

HEARING PROCESS AND PRESENTATIONS

17. As evidence is being pre-circulated to all parties prior to the hearing, and will be read by the Hearing Panel before the commencement of the hearing, evidence will be taken as read at the hearing. However, all witnesses will be given an opportunity to speak to a summary of their evidence, either by way of:
- a) a written summary (maximum of 5 pages) covering the main points; or
 - b) by highlighting particular points within their pre-circulated evidence that they wish to emphasise.

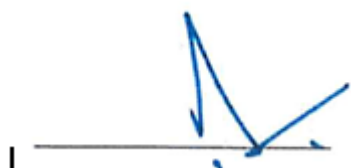
Based on this approach, the Hearing Panel anticipates that the majority of witnesses will, as a general rule, speak for no more than 15-20 minutes.

Rebuttal Evidence

18. The Hearing Panel anticipates that witnesses for KCAHL may wish to present rebuttal evidence at the hearing given that the evidence-in-chief of witnesses for submitters and further submitters will only be available 5 working days before the hearing. Accordingly, an extended timeframe to 30-45 minutes may be necessary for KCAHL's expert witnesses. Witnesses for submitters and further submitters will have to opportunity to address any rebuttal in their evidence-in-chief statements.
19. Notwithstanding the approach outlined above in paragraphs 16 and 17, the Hearing Panel wishes to make it clear that all submitters will be given (within reason) the time that they require to adequately present their views. The main purpose behind pre-circulation is to minimise the time required for everyone to present at the hearing itself, but, at the same time, to ensure that everyone is able to fully explain the key issues addressed in their evidence. The objective will be to have all witnesses focus on core issues in contention.
20. There will be no cross-examination of witnesses. However, the Hearing Panel may, at its discretion, allow cross-examination or questioning of an expert witness if the Hearing Panel considers that it will assist in a better understanding of the issue being addressed in evidence.
21. The Hearing Panel reserves the right to request experts to conference during the course of the hearing on matters in dispute.

HEARING ADMINISTRATOR

22. Sally Matich the Hearing Administrator will oversee the various administrative tasks that will need to be undertaken to ensure an efficient hearing process.
23. If any issue or queries arise from this Minute for any party, please contact Sally at: sally.matich@kapiticoast.govt.nz



Alistair Aburn
Chairperson

for and on behalf of
PC 84 Hearing Panel

5 December 2016