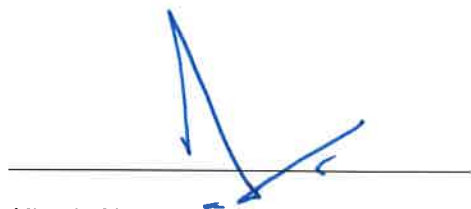


KAPITI COAST DISTRICT COUNCIL
PRIVATE PLAN CHANGE 84: AIRPORT ZONE
HEARING PANEL MINUTE 2
10 FEBRUARY 2017

1. In my capacity as Chairperson of the Hearing Panel for Plan Change 84, an email from Mr John Tizard, counsel for the Ngahina Trust, has been drawn to my attention.
2. In his email of Wednesday 8 February 2017 sent at 4.57pm to Sally Match the Council's Hearings Administrator, Mr Tizard advised that:

"The brief of evidence the Ngahina Trust has filed from Matthew Holder has raised a jurisdictional issue, namely the failure to consult the Trust, as tangata whenua, as required by Clause 3(1)(d) of the First Schedule to the Resource Management Act".
3. Adding that he considered that *"this is fundamental to the conduct of the hearing"*, Mr Tizard requested that I convene an urgent telephone conference of counsel for all affected parties.
4. I have given careful consideration to Mr Tizard's request and have concluded that a more appropriate and helpful way forward would be for counsel to address the matter at the commencement of the hearing on Monday 13 February 2017.
5. In addressing the matter I would request that counsel provide appropriate comment on the decision of the Environment Court in *Briggs v Kapiti Coast District Council* [Decision No: [2011 EnvC 57]; and, in particular, on the Court's conclusions as recorded in paragraphs 10 and 11.



Alistair Aburn
Chairperson

for and on behalf of
PC 84 Hearing Panel

10 February 2017