

Directions/Minutes of Commissioners #1

Proposed Variation 3 – County Road Otaki Low Density Precinct – Kapiti Coast District Council

Pursuant to section 34A of the Resource Management Act 1991 (RMA), Mr M St.Clair (Chair), and Ms Miria Pomare, both independent commissioners, and Councillor Janet Holborow have been appointed by Kapiti Coast District Council (KCDC) to hear and recommend Proposed District Plan Variation 3 – County Road Otaki Low Density Precinct to the Kapiti Coast District Council District Plan.

A hearing has been set down for Wednesday 4th December 2019. The hearing will commence at 10.00am. The hearing is scheduled to be held at the Rotary Hall, 25 Aotaki Street, Otaki. A formal hearing notice will be issued by KCDC, confirming the time, date and location of the hearing. At this stage, the hearing is scheduled for one day. Should further hearing time be required, Thursday 5th December 2019 will be the reserve hearing day.

The Commissioners have considered whether any orders are appropriate under section 41B of the RMA. That section provides that an authority controlling a hearing may direct that briefs of expert evidence be provided to the authority prior to the hearing. An expert is a person who holds professional qualifications in the field relevant to the evidence produced. The purpose of the pre-circulation of expert evidence is to allow the evidence to be read and assimilated by all parties to the hearing.

The Commissioners further note that the consent authority must give written or electronic notice to the parties, that the Council's Section 42A Report and any submitter expert evidence is available at the consent authority's offices.

Accordingly:

1. Pursuant to section 42A(3)(a) of the RMA, the Commissioners direct that the KCDC section 42A report/s be provided to the parties, by way of email, directing the parties to the KCDC website, no later than 5pm on Thursday 14 November 2019.
2. Pursuant to section 41B(3) and (4) of the RMA, the Commissioners direct that if any person who has made a submission intends to present expert evidence at the hearing, including expert planning evidence, then that party is to provide a written brief of that evidence to Liana.Cook-Auckram, Hearing Administrator at the KCDC (Liana.Cook-Auckram@kapiticoast.govt.nz) no later than 5pm on Monday 25th November 2019.
3. The Commissioners request that as soon as practicable following receipt of any such evidence received pursuant to Direction 2, KCDC provides a copy to all other parties to these proceedings by way of email, directing the parties to the KCDC website, no later than 5pm on Tuesday 26th November 2019.
4. In terms of Directions 1, and 2 the reports and evidence should be provided to KCDC electronically by email or be made available for downloading from the KCDC website www.kapiticoast.govt.nz/variation-3. Hard copies of the reports or evidence should only be provided on request.
5. Pursuant to s41C(1) of the RMA, the Commissioners direct that in respect of expert evidence pre-circulated in accordance with these Directions, the hearing will be conducted in the following manner:
 - The section 42A report(s) will be taken as read;
 - The submitters that have provided the pre-circulated expert evidence are to call the witness in person;
 - The witness should be introduced and asked to confirm his or her qualifications and experience;

- The witness should be asked to confirm the matters of fact and opinion contained in the brief of evidence;
 - The witness will then be given an opportunity to draw to the attention of the Commissioners the key points in the brief. No new evidence shall be introduced, unless it is specifically in response to matters raised in other pre-circulated briefs of evidence supplied by another party – in such cases the new evidence shall be presented in written form as an Addendum to the primary brief of evidence and it may be verbally presented by the witness. If there is any variation between what the witness says and what is in the brief of evidence, the Commissioners will assume that the written brief is the evidence unless the content of the brief is specifically amended by the witness;
 - The witness may then be questioned by the Commissioners.
6. Non-expert evidence, including any lay evidence or legal submissions should be tabled and read aloud on the day that the relevant party appears at the hearing.
 7. The hearing will be conducted in a manner which is appropriate and fair, but without unnecessary formality. Subject to adequate notice, the Commissioners will receive written or spoken evidence in Te Reo Māori. If any party wishes to present evidence in Te Reo Māori, they are requested to advise Liana.Cook-Auckram, Hearings' Administrator at KCDC, no later than 5pm on Friday 15th November 2019.
 8. The Commissioners also request that all parties (the KCDC reporting officers and submitters) calling expert witnesses liaise amongst themselves in order to facilitate their respective experts conferencing on matters relevant to their specific areas of expertise prior to the preparation of their reports or evidence (including any applicable district plan provisions). The aim of the conferencing should be to identify areas of agreement and disagreement which can then be noted in the reports and evidence. The Commissioners will attempt to focus on the issues of contention during the hearing and in their deliberations thereafter and so the assistance of the parties to clearly identify areas of expert agreement and disagreement in this manner will be greatly appreciated.
 9. For any party who may not wish to attend the hearing, the Commissioners would appreciate if those parties could advise the Council as to their position as to any recommendations that may come through in the section 42A report. Again this would assist the Commissioners in both the hearing and their deliberations.
 10. Any correspondence with the Commissioners should be directed to the Hearing Administrator, at KCDC in the first instance. Email: Liana.Cook-Auckram@kapiticoast.govt.nz



Mark St.Clair (Chair)
31 October 2019.