

**Minute #1 of Hearing Panel**  
**NOTICE OF HEARING & EVIDENCE CIRCULATION**

**1. Appointment of Hearing Panel**

A Panel of Commissioners have been appointed by the Kāpiti Coast District Council to hear submissions and make a determination on the proposed variation.

Robert Schofield	Independent Hearings Commissioner – Panel Chair
Janet Holborow	Deputy Mayor
Miria Pomare	Independent Hearings Commissioner

The Panel has been delegated with the authority to –

- Hear submissions in relation to the variation to the Proposed District Plan, making recommendations to Council or the Strategy and Operations Committee;
- Determine matters arising under Section 37 and 37A relating to time limits or to waive compliance with requirements;
- Make an order protecting sensitive information under Section 42.

**2. Hearing details**

The hearing for Variation 2 has been scheduled as follows:

<b>Venue and location</b>	Coastlands Kāpiti Sports Turf Pavilion, 10 Scaife Drive, Paraparaumu
<b>Dates</b>	Monday 3 August 2020 Thursday 6 August 2020 (if required)
<b>Starting</b>	9.30AM

**3. Circulation of reports and evidence**

The following is the timeline for the submission and circulation of reports and evidence prior to the hearing:

***Council's report and supplementary expert evidence***

Pursuant to section 42A(3)(a) of the RMA, the Commissioners direct that the KCDC section 42A evaluation report be provided to the parties by way of email, directing the parties to the KCDC website at least 15 working days before the hearing: that is by 5pm on Friday 10<sup>th</sup> July 2020. This is to include any briefs of any other evidence to be called by the District Council.

### ***Submitters' evidence***

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 the Hearing Administrator at the KCDC at least 5 working days before the hearing (RMA section 41B(4)): this would be no later than 5pm Friday 24<sup>th</sup> July 2020.

Written non-expert evidence (including submitter lay evidence and any legal submissions) should be tabled and read aloud at the hearing. Submitters are requested to provide ten copies of any written statements used at the hearing at the hearing.

## **4. Viewing Evidence**

In addition to the electronic circulation of information, the Council is to make all reports and briefs of evidence in relation to Variation 2 available at its offices as follows:

- any evidence/reports prepared for the Council, to any person who made a submission and stated a wish to be heard; and
- any submitter's evidence, to any other person who made a submission.

To meet this requirement, a copy of the Council planner's evaluation report and of any expert evidence provided by submitters will be made available at the Kāpiti Coast District Council offices from the dates set out above, as well as being uploaded to the Council website:

<https://www.kapiticoast.govt.nz/your-council/planning/district-plan-review/variation-2/>

## **5. The Hearing**

The hearing will be conducted in a manner which is appropriate and fair, but without unnecessary formality. All parties will have a fair and reasonable opportunity to present their submissions.

Pursuant to s41C(1) of the RMA, the hearing of expert evidence will be conducted in the following manner:

- The Panel will take the section 42A report and all pre-circulated evidence as read – there will be no need for persons to read out pre-circulated information.
- Experts will be given an opportunity to either summarise their key points or draw our attention to the key points in their evidence: this includes the Council's evaluating planner at the beginning of the hearing.
- 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, and
- The Panel may then question the witness – there is no cross-examination by other parties.

At the hearing, following introductory comments by the Council's reporting planner, the submitters will have an opportunity to talk to their submissions, and the Panel may ask submitters questions. The Council will then have the right-of-reply, which may be given at the hearing or, if it needs to be written, be circulated following the hearing.

During the hearing itself, we wish to avoid repetition of common issues raised by submitters and therefore encourage submitters to present together in support of each other's submissions on shared issues.

A draft timetable for the hearing will be issued prior to the hearing.

Any person or expert witness who cannot attend the hearing in person and who wishes to be heard will be able to use remote video-conferencing subject to prior arrangement being made with the Hearing Administrator.

## **6. Information on Hearings**

A useful guide to the conduct of plan change hearings can be found at:

<https://www.mfe.govt.nz/publications/rma/everyday-guide-rma-appearing-council-plan-or-plan-change-hearing>.

## **7. Site visit**

The Panel shall conduct a site visit prior to the hearing. We may undertake a further site visit during or after the hearing should it appear necessary.

## **8. Enquiries or Correspondence**

Any enquiries or correspondence on the hearing should be directed through the Hearing Administrator, Amanda Cottrell on 04 2964 893 or via email –

[Amanda.Cottrell@kapiticoast.govt.nz](mailto:Amanda.Cottrell@kapiticoast.govt.nz)



**Robert Schofield**  
Hearing Panel Chair

Dated this 8<sup>th</sup> July 2020