

**IN THE MATTER OF** Resource Management Act 1991

**AND**

**IN THE MATTER OF** Kāpiti Coast District Council Proposed  
Plan Change 3

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**MINUTE 1**

**HEARING PROCEDURES AND DIRECTIONS OF HEARINGS PANEL**

**23 March 2026**

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**1. INTRODUCTION**

[1] The Kāpiti Coast District Council ("the Council") have appointed Cindy Robinson (Chairperson), Carolyn Wratt and Liz Burge ("the Hearings Panel") to hear submissions and further submissions and make recommendations on the Kāpiti Coast District Council Proposed Plan Change 3 (PC3) pursuant to Section 34A(1) of the Resource Management Act 1991 (RMA). Our delegation includes all related procedural powers to conduct those hearings.

[3] PC3 is a Council initiated plan change that proposes to recognise and provide for Kārewarewa Urupā as a site of significance to Māori. Kārewarewa Urupā is in the area around Barrett Drive, Te Ropata Place, Marewa Place, and Tamati Place at Waikanae Beach. PC3 proposes the following changes to the Operative District Plan:

- adding Kārewarewa Urupā<sup>1</sup> to Schedule 9 of the District Plan (Sites and Areas of Significance to Māori); and
- amending the District Plan maps to include Kārewarewa Urupā.

[2] The Council has advised that the hearing of this matter will commence on 2 June 2026 and continue as required through to 5 June 2026 with two reserve days of 10 and 11 June 2026. A formal notice of hearing will be issued in due course.

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<sup>1</sup> Information about the plan change is available on the Council website <https://www.kapiticoast.govt.nz/council/forms-documents/district-plan/council-plan-changes-underway/proposed-plan-change-3/>

[4] To facilitate the efficient conduct of the hearings, the following directions and requests are addressed below:

- (a) role of Council staff and expert advisors.
- (b) hearing format.
- (c) pre-circulation of material.
- (d) expert conferencing/ caucusing.
- (e) notice of hearing/ appearance times.
- (f) site visit.
- (g) correspondence.
- (h) availability of documents and material.
- (i) requests to depart from procedures.

[5] Further minutes will be issued from time to time, either prior to or during the hearings, covering matters which require further direction.

## **2. ROLE OF COUNCIL STAFF AND EXPERT ADVISORS**

[6] A number of Council staff including external consultants and expert advisors will be involved in the hearing process. These are:

- (a) RMA Section 42A report writer.
- (b) where required, expert advisors (made up of internal staff and / or consultants).
- (c) a Hearings Administrator(s); and
- (d) Council legal advisors when it is considered appropriate.

### **Section 42A Report Writers**

[7] Council staff and consultants and/or expert advisors (where required) will be involved in the preparation of a Section 42A reports (s42A report). This report summarises, evaluates and make recommendations on the various submissions received.

[8] The Hearings Administrator will upload the s42A report and any other Council evidence to the Council's Proposed District Plan webpage as soon as practicable after receipt. Once it is available online, the Hearings Administrator will email submitters a link to the s42A report.

[9] The s42A report constitutes part of the body of evidence to be considered by the Hearings Panel, alongside the evidence of submitters. It is noted that only the Panel members can ask questions of Council staff and its consultants / advisors at the hearing.

[10] The s42A report recommendations are not binding on the Hearings Panel and will be weighed with all other evidence received at the hearing.

[11] After hearing evidence of submitters, the author of the s42A report will have the opportunity to present a reply in writing.

### **Hearings Administrator**

[12] The Hearing Administrator is the Council's primary 'point of contact' for submitters, Council officers, and the public (including the media).

[13] Submitters, the s42A report writer and/or their experts wishing to bring matters to the attention of the Commissioners must direct all queries through the Hearings Administrator.

[14] A Hearings Administrator will oversee the various administrative tasks needed to ensure an efficient hearing process. These tasks include:

- (a) preparing schedules and hearing notifications.
- (b) making meeting arrangements.
- (c) ensuring the availability of the Hearing Panel's memoranda and directions.
- (d) circulating evidence and reports received by the Hearings Panel.
- (e) responding to submitter enquiries.
- (f) responding to public enquiries to the Hearings Panel; and
- (g) assisting the Hearings Panel as required.

[15] The Hearings Administrator is also responsible for managing the Council's Proposed District Plan webpage to ensure that all the necessary information to support an efficient hearings process is available. The website address is <https://www.kapiticoast.govt.nz/council/forms-documents/district-plan/council-plan-changes-underway/proposed-plan-change-3>.

## Expert Witnesses

[16] All expert witnesses, in both preparing and presenting their evidence as well as when attending expert conferencing, are expected to comply with the Environment Court of New Zealand Practice Note 2023 - Code of Conduct for Expert Witnesses available at the following website: <https://environmentcourt.govt.nz/assets/Practice-Note-2023-.pdf>.

### 3. HEARING FORMAT

[17] Following the opening of the hearing and the Chairs introduction of the Panel, hearing procedure and housekeeping matters, the representations, evidence, and submissions will be heard in the following order:

- (a) Council legal submissions (if any), s42A Report and any other evidence.
- (b) Submitters wishing to be heard on PC3.
- (c) Council Reply. Council will be given an opportunity to present an oral reply, and a written reply is to be filed after the hearing. Directions will be issued at the hearing as to the timing of the reply.

### 4. PRE CIRCULATION OF EVIDENCE

[18] The timely pre-circulation of material is intended to enable a fair and efficient hearing process.

#### Council s42A Report and expert evidence

[19] A s42A Report with any associated technical reports and evidence prepared on behalf of the Council is to be made available to the Panel and submitters **on or before 12pm 30 April 2026**.

[20] The s42A Report author/s are to prepare summary statements of their recommendations, including any updated recommendations because of Submitter pre circulated evidence. The summary statement is to be provided to the Hearings Administrator by **12pm on Friday 29 May 2026**.

#### S42A Author Attendance at hearing

[21] The author/s of the s42A reports will attend the hearings, read out their summary statements and be available to answer any questions from the Hearings Panel. The full s42A Report will be taken as read.

## Council Legal submissions

[22] If the Council wishes to present legal submissions, then these must be pre circulated by **12pm on Friday 22 May 2026**.

## Submitter Expert and other evidence

[23] Pursuant to s41B(3) of the Act, we direct that submitters who intend to call expert evidence<sup>2</sup> in support of their submissions are to provide written briefs by **12pm on 15 May 2026**.

[24] If submitters intend to provide written evidence themselves, or have non-expert persons appearing on their behalf, then they are strongly urged to provide a written statement of that evidence at least **5 working days** prior the date of their appearance of the hearing.

[25] To the extent that it may be relevant and in the interests of efficiency, if any submitter previously presented evidence at the hearing of PC 2<sup>3</sup> in relation to the identification in the District Plan of the Kārewarewa Urupā as a site of significance to Māori, they may seek to rely on material prepared for and presented in PC 2 during the hearing of PC 3, however the material must be attached to a cover statement to record that the evidence is the author's own, remains true and correct, and clearly identifies any matters that may have changed in the intervening period.

[26] For the avoidance of doubt any evidence from submitters is limited to the matters raised in their submission or further submission on PC3.

## Submitter Legal Submissions

[27] If a submitter intends to have legal counsel present legal submissions, they are directed to provide it to the Council **5 working days** prior to their appearance at the hearing.

## Submitter attendance at the hearing

[28] All pre-circulated evidence or representations will be taken as read; however, lay submitters or legal counsel will be encouraged to present a summary of their key points before being available for questions from the Panel. Submitter expert witnesses are to prepare a summary statement of their evidence of no more than three A4 pages (1.5-line spacing, 11-point font). Summary statements are to be filed with the Hearing's Administrator **by 12pm on**

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<sup>2</sup> An expert witness is someone who by virtue of their qualifications and or relevant experience, is able to offer an independent (unbiased) opinion of the outcomes being sought in this Plan Change. Expert witnesses are required to adhere to the Environment Court Code of Conduct for Expert witnesses available here: <https://environmentcourt.govt.nz/assets/Practice-Note-2023-.pdf>

<sup>3</sup> PC 2 was a Plan Change to the Operative Kāpiti Coast District Plan to incorporate Medium Density Housing in accordance with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, which was a different hearing process than that being followed in PC 3.

**the working day prior to their appearance**, and shall include any corrections, or changes to their opinions and the reasons for those changes.

[29] There will be no cross examination of witnesses and submitters may not ask direct questions of another submitter or the Council witnesses. If submitters wish to seek clarification of a point raised by another party, they may request the Chair to ask a question of clarification. The Chair will decide if the question is relevant or helpful.

[30] Submitters are requested to provide 10 hard copies of their written evidence or other materials to the Hearings Administrator prior to their scheduled hearing time.

[31] Submitters are encouraged to collaborate to prepare joint presentations where they have issues in common and may aggregate the time allocated, if they do so.

[32] The Chair may issue directions limiting the time allocated to individual presentations of submissions or evidence to ensure the efficient conduct of the hearing process and to avoid unnecessary repetition.

### **Use of Te Reo Māori in written and oral presentations or use of sign language**

[33] Should any person wish to present written or oral submissions or evidence in Te Reo Māori or utilise sign language they are requested to liaise directly with the Hearings Administrator before **30 April 2026** to assist with arrangements for translation and/or an interpreter. If evidence or legal submissions are in Te Reo Māori, please provide an English version of any written document.

### **Protection of sensitive information**

[34] In the event any submitter wishes to present sensitive information that requires directions regarding its publication and distribution then they may do so in accordance with RMA s42 by **30 April 2026** to allow time for the Panel to decide and/or give directions regarding the presentation of any such material.

### **Record of the hearing**

[35] All material including oral evidence in response to questions presented to the Hearings Panel becomes hearing evidence.

[36] An audio recording will be made of each hearing session. The Hearings Panel may direct the Hearings Administrator to suspend digital recording for the presentation of sensitive information however (under s42 of the RMA).

[37] Following the close of the hearing the Panel will issue its recommendations to the Council in writing with reasons.

## **5. EXPERT CONFERENCING/ CAUCUSING**

[38] The Hearings Panel does not make any formal prehearing directions regarding expert witness conferencing at this time but may make any directions deemed appropriate as the hearing progresses.

[39] Regardless of whether the Hearings Panel directs expert conferencing, all expert witnesses are expected to identify any areas of agreement and disagreement with corresponding experts for the matters that they are addressing in their evidence and initiate informal conferencing to narrow issues and differences ahead of attending hearings if appropriate to do so.

## **6. NOTICE OF HEARING / APPEARANCE TIMES**

[40] A notice of hearing will be circulated to submitters at least **20 working days** before the commencement of the hearing and will set out the hearing times and venue.

[41] Submitters will have the opportunity to be heard either in person or by video link. The Hearings Administrator will contact submitters who have expressed a wish to be heard **15 working days** prior to the hearing to confirm that they still wish to be heard. At that same time submitters will be requested to indicate whether they intend to attend the hearing in person or via video link, if they will be represented by legal counsel, and how many people will be speaking to the submission.

[42] The Hearings Administrator will place an indicative hearing timetable on the Council's webpage. The Hearing Administrator will advise all confirmed speakers when the timetable is available.

## **7. SITE VISIT**

[43] The Hearings Panel will conduct a site visit prior to the commencement of the hearing and may undertake an additional site visit should matters arise during the hearing that we consider requires further visits.

## **8. CORRESPONDENCE**

[44] Submitters and other hearing participants must not attempt to correspond with or contact the Hearings Panel members directly. All correspondence and the pre circulation of evidence or represented relating to the hearing must be addressed to the Hearings Administrator.

## AVAILABILITY OF DOCUMENTS AND MATERIAL

[45] All written material (evidence, hearing reports, and legal submissions) must be lodged with the Hearings Administrator by email to [District.Planning@kapiticoast.govt.nz](mailto:District.Planning@kapiticoast.govt.nz). Materials must have numbered paragraphs and pages for ease of reference.

[46] All written material relevant to the hearings will be posted on the Council's webpage at <https://www.kapiticoast.govt.nz/council/forms-documents/district-plan/council-plan-changes-underway/proposed-plan-change-3>.

## 9. REQUESTS TO DEPART FROM DIRECTIONS

[47] If any participant wishes to deviate from any timetable or other requirement identified in this Minute, a written request to do so (inclusive of reasons) must be addressed to the Chair of the Hearings Panel and be provided to the Hearings Administrator. We will consider and determine any such requests.

Dated: 23 March 2026.



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C E ROBINSON - CHAIR ON BEHALF OF THE HEARINGS PANEL