


OIR: 2526/176

4 November 2025



Tēnā koe ,

Request for Information under the Local Government Official Information and Meetings Act 1987 (the Act) (the LGOIMA)

Thank you for your email of 30 October 2025 requesting the following information:

- 1. The letter dated 17 October 2025 [regarding Proposed Plan Change 5 (Private) to the District Plan – 100 & 110 Te Moana Road, Waikanae], was received on Saturday, 25 October 2025. The timeline for submissions closes at 5.00 p.m. 20 November 2025. The delay of eight days to receive the letter significantly restricts the timeframe in which to prepare a formal submission. Why was the timeframe not extended to allow for the time delay in delivering the letter?***

To clarify, the Resource Management Act 1991 (RMA) requires that all proposed Plan Changes¹:

- Are publicly notified.
- Direct notification is provided to every person that the Council considers is likely to be directly affected by the proposed plan change, no earlier than 60 working days before, and no later than 10 working days after public notification of the plan change.

I can confirm that Proposed Plan Change 5 (Private) was publicly notified in *The Post* on 22 November 2025; and that letters regarding this Plan Change were sent to those potentially impacted on 17 October 2025. Whilst I acknowledge your frustration with the postal delay in this letter reaching you, the timeframes Council has worked to fall within requirements set by the Resource Management Act 1991 (RMA).

¹ Resource Management Act 1991, Schedule 1, Part 1, Clause 5(1A).

Please note that any information provided in response to your request may be published on the Council website, with your personal details removed.

Further to this, I understand that the letters were sent several days ahead of the date of public notification in an attempt to align the notification date with the receipt of letters, and to assist the delivery around the time of public notice. However, the delivery timeframes are managed by the postal service and this is unfortunately outside of Council's control.

2. The process states that the Council will hold a hearing where it will assess the PC5 request and the submissions. Please advise:

a) Who has been/will be appointed to the panel?

I can confirm that a panel has not yet been appointed for PC5. However, I can share that Panel members will be identified from the live list of certified independent hearings commissioners which can be viewed on the following link: <https://hearing-commissioners.wsp.com/>

b) How have/are appointments to the panel made?

In follow up to my Response to Question 2a), acknowledging that no appointments to a panel for PC5 have yet been made, I can clarify that the process to do so is as follows:

- Potential commissioners are identified by planning staff (typically the manager or team leader) from the live list of certified independent hearings commissioners.
- Careful consideration is given to the areas of technical expertise and experience of potential panel members that would assist the panel in considering the matters raised in submissions and making clear and robust recommendations to Council.
- Before appointing one or more independent hearings commissioners, Council is required to consult with tangata whenua through relevant iwi authorities on whether it is appropriate to appoint a commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū.²
- If Council considers it appropriate, it must appoint at least 1 commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū, in consultation with relevant iwi authorities.
- Council delegates the appointment of hearings commissioners via its Governance Structure and Delegations. The newly elected Council is yet to set the Governance Structure and Delegations for the new triennium. As a result, the delegation for the appointment and authorisation of delegations under the RMA to panel members currently sits with the Chief Executive.

² Resource Management Act 1991, Section 34A(1A).

c) What qualifications and/or credentials do/will the appointed panel members hold?

I can confirm that Panel members must hold the relevant accreditation approved by the Minister in accordance with section 39A of the RMA. For clarity:

- Section 39B of the RMA requires that persons given hearing authority by Council must be accredited.
- Independent hearings commissioners must be accredited under the Ministry for the Environment's *Making Good Decisions Programme*³.

d) What experience do/will the appointed panel members have in relation to Plan Change, legislative and policy instruments?

Council has not yet considered the potential composition and most appropriate areas of expertise of a hearings panel for PC5. However, I can share that:

- Appointed panel members will have experience and expertise in a relevant topic that falls under the RMA, for example resource management planning, law, natural hazards, heritage, landscapes, ecology, noise, water quality, soils, tikanga Māori, and any other relevant topic area that falls under the RMA.
- The specific areas of expertise for panel members is generally not identified until after submissions have been made. This is because the matters raised in submissions will guide Council in appointing panel members with the most relevant areas of expertise in which to consider submissions, evidence, and to make recommendations to Council.
- Generally, panel members will include at least one panel member with expertise in resource management planning.
- Elected members who are appropriately certified are also able to be considered as panel members.

To see the range of expertise that potential panel members hold, please see the current list of certified independent hearings commissioners on the following link: <https://hearing-commissioners.wsp.com/>

3. Why has the timeframe, post closure of submissions on 20 November 2025, not been publicly notified?

To clarify, in accordance with Clause 5(1) of Schedule 1 of the RMA, the timeframe for the closure of submissions was publicly notified on 22 October 2025 in *The Post* and the Council's website: <https://www.kapiticoast.govt.nz/council/news-and-information/public-notice/?noticeid=282>,

³ <https://environment.govt.nz/acts-and-regulations/acts/resource-management-act-1991/about-the-making-good-decisions-programme-certification-for-rma-decision-makers/>

4. What is the official timeline, post closure of submissions on 20 November 2025?

I can confirm that in line with RMA requirements:

- The only official timeline requirement moving forward for the processing of PC5 is that Council must issue its decision on the Plan Change request no later than 2 years from the date of public notification.
- However, Section 21 of the RMA requires Council to avoid *unreasonable delay* in the processing of the plan change.
- Following the closing of the submission period Council must prepare a summary of the decisions requested by all submissions and publicly notify the availability of the summary of submissions for the further submission period. The further submissions period is 10 working days, in which time further submissions may be made either in support of or in opposition to a submission(s) already made.
- The timeline for a hearing following the closure of the further submission period will be determined at a later date, typically following the appointment of a panel of certified independent hearings commissioners.

5. If there is no official timeline, post closure of submissions on 20 November 2025, why not?

To clarify, the timing for a hearing and the timeline beyond a hearing cannot be set at this stage of the plan change process. This is because the timing will depend upon the:

- Nature and complexity of the matters raised in submissions.
- Requirement for Council to appoint independent experts in specific topic areas to provide advice.
- Time taken for Council's planner to prepare a section 42A report⁴.
- Appointment of a hearings panel, the availability of hearing commissioners for the hearing.
- Time taken by the panel to prepare its recommendation report to Council.

Ngā mihi,



Kris Pervan

Group Manager Strategy and Growth
Te Kaihautū Rautaki me te Tupu

⁴ Section 42A of the RMA.