



## **PROPOSED FAR NORTH DISTRICT PLAN**

### **MINUTE 5 OF THE INDEPENDENT HEARINGS PANEL**

#### **Response to the Memorandum of Counsel from Waitangi Limited**

#### **INTRODUCTION**

1. In accordance with s34A(1) of the Resource Management Act 1991 (“RMA”) the Council, has appointed a Hearings Panel of Commissioners comprising five independent-members:
  - Mr Robert Scott (Hearings Panel Chairperson).
  - Mr William (Bill) Smith (Hearings Panel Deputy Chairperson).
  - Mr Alan Watson.
  - Mr Peter Kensington.
  - Mrs Siani Walker (commissioner with tikanga Māori expertise).
2. Each hearings panel may also include up to two elected representatives (comprising of elected councillors Kelly Stratford, Felicity Foy, Hilda Halkyard-Harawira, Steve McNally) subject to them having achieved commissioner certification under the Ministry for the Environment “Making Good Decisions” Programme.
3. This minute provides direction in response to the Memorandum of Counsel from Waitangi Limited (Submitter 503).
4. Waitangi Limited – Submitter 503 (Waitangi Limited) has a submission set down for Hearing 4 – Natural Environmental Values and Coastal Environment and is also set down to be heard for the rezoning topic, Hearing 19. The hearing dates for these are 5-8 August 2024 and 25-28 August 2025 respectively. The submitter’s request essentially would defer the submitters evidence on the Natural Values and Coastal Environment topics to the rezoning hearing, being over 12 months apart. This would result in a significant time gap between the evidence from Waitangi Limited on the Natural Environmental Values and Coastal Environment topic and the evidence heard from other submitters. The matters in the Natural Environmental Values and Coastal Environment hearing would therefore not able to be fully considered by the panel until that time. As we have indicated in Minute 1, we are endeavouring to undertake interim deliberations following the conclusion of each topic prior to the completion of a final recommendation report to the Council.

5. In the Panel's view, while the submitter is seeking a Special Purpose Zone (SPZ) as its primary relief, there are other interests with SPZ's who are also set down to be heard in Hearing 4.
6. The Panel's view is this that Submitter 503's request results in an unreasonable gap with no compelling reason given for the delay. We also note that while Hearing 19 is over 12 months away it already has substantial list of parties that wish to be heard. In our view, a half a day request this far in advance of hearing from other parties regarding their needs, while not participating in earlier hearing topics appears unjustified and unreasonable at this time. We note that many other submitters seeking rezoning have already appeared before the panel in Hearing 1 and for upcoming Hearings 3 and 4.
7. The Panel also considers that where substantial changes are proposed for frameworks that have wider implication for plan users and property owners, it is more appropriate that they are heard together as a topic group and not on an ad hoc basis. In this instance, the issue is further exacerbated by the significant gap between the two hearings.
8. As a result, the request for Waitangi Limited to have half a day for Hearing 19 is declined at this point, but may able to be revisited closer to the hearing date (Hearing 19) and after engagement with Officers and other parties. This will encourage engagement and therefore efficiencies in managing hearing time, with less time anticipated where officers and submitters agree, and more lee way given when there is not agreement.
9. Any questions regarding the matters included in this minute should be directed to Alicia Kate (AK) Taihia - Submissions & Hearings Administrator District Plan: [alicia-kate.taihia@fndc.govt.nz](mailto:alicia-kate.taihia@fndc.govt.nz) or (09)4015247.



Robert Scott  
Hearings Panel Chairperson  
14 June 2024