

Far North District Council

DIRECTIONS OF THE COMMISSIONERS

Introduction

Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Far North District Council (FNDC) has delegated to Independent Commissioner Alan Watson the function of hearing and deciding an application from Nags Head Cow Hotel Limited (the applicant) in relation to Kerikeri Inlet Road – Lot 2 DP 442820 for a subdivision to create four lots in the South Kerikeri Inlet Zone as non-complying activity

Hearing

The Hearing is scheduled for **Wednesday 22nd October 2025**

The Hearing will commence at **9 am**. The venue is the St John Ambulance Hall 367 Kerikeri Road Kerikeri.

The following directions relate to the Hearing:

(a) The order of appearance will be:

- Applicant and their specialists
- Submitter(s) who indicated that they wished to be heard in support of their submission
- Council Planner and other specialists - Section 42A Report author(s)
- Applicant's right of reply (which may be given at the Hearing or in writing thereafter)

(b) A Section 42A Report¹ from FNDC will be available on or before **5.00 pm on Wednesday 1st October 2025** allowing the Applicant and submitters to have regard to its contents when preparing their evidence. It would be extremely helpful to the Commissioner if the Applicant and submitters could indicate in their evidence if they agree or disagree (with reasons) with the Section 42A Report author's recommendations.

(c) Pursuant to section 41B(2) of the RMA, the Applicant is directed to provide their expert evidence² (if any) to the FNDC Hearings Administrator no later than **3.00pm on Wednesday 8th October 2025**.

(d) If experts for the Applicant intend to base their evidence on technical reports that they authored, and which were included as part of the application, then the experts need not repeat material contained in those reports in their evidence. It will be sufficient for the evidence to cross-refer to that material.

(e) Pursuant to section 41B(3) of the RMA, submitters who intend to call expert evidence in support of their submissions are directed to provide a written statement of that evidence to the FNDC Hearings Administrator no later than **3.00pm on Wednesday 15th October 2025**.

¹ A Section 42A Report includes a discussion of the application and the submissions. It recommends (with reasons) whether the consent applications should be granted or not. That recommendation does not bind the Commissioners.

² Expert evidence is that written by qualified planners, engineers or scientists, for example, prepared in accordance with the Environment Court's Practice Note 2023 for expert witnesses.

(f) If submitters intend to provide written evidence themselves, or have non-expert people appear on their behalf, then they are requested and strongly urged to also provide a written statement of that evidence to the FNDC Hearings Administrator no later than **3.00pm on Wednesday 15th October 2025**.

(g) If Applicant or submitter evidence to be presented by non-expert people is not provided to the FNDC Hearings Administrator by the above dates, then those people should bring ten (10) hard copies to the Hearing.

If the any party proposes to have legal counsel present legal submissions, those parties are requested to provide those submissions to the FNDC Hearings Administrator no later than **3.00pm on Wednesday 15th October 2025**.

All original submissions, pre-circulated evidence and legal submissions will be taken as read at the Hearing. Accordingly, pursuant to section 41C(1)(b) of the RMA, the Applicant and submitters are directed that all such material will not be read aloud at the Hearing, as that would be an inefficient use of time as the Commissioners will have already read it.

At the Hearing the Applicant's experts may table and read aloud supplementary or rebuttal evidence responding to any expert evidence lodged by submitters. The Commissioners anticipate that any such evidence will be concise.

If any party intends to present to the hearing by way of video conferencing (for example using MS Teams), then any written material that will be referred to (such statements of evidence, speaking notes or reports) as part of the presentation must be provided to the FNDC Hearings Administrator no later than **five days prior** to the parties scheduled appearance at the hearing. This will allow the Commissioner to follow what is being presented.

All people appearing at the Hearing will be allowed to verbally and briefly highlight key points from their evidence or legal submissions for the benefit of the Commissioner. The Commissioner will then ask any questions they may have.

Should any submitter wish to speak in Te Reo, utilise Sign Language, or utilise visual aids (PowerPoint, etc) they are requested to liaise directly with the FNDC Hearings Administrator, as soon as possible, but prior to **Wednesday 15th October 2025**. Participants must not attempt to correspond with or contact the Commissioner directly. All correspondence relating to the Hearing must be addressed to the FNDC Hearings Administrator (rcsubmission@fndc.govt.nz).

Service on the Council

- 1 All evidence and legal submissions addressed by this Minute must be lodged with FNDC.
- 2 Preferably by email to rcsubmission@fndc.govt.nz

or

By post addressed to:

Planning Support
Far North District Council
Private Bag 752
Kaikohe, 0440.

Please also note - Evidence and legal submissions lodged must be provided in **Microsoft WORD** format. The documents must be 'unlocked' so that they can be annotated by the Commissioner.

Alan Watson
Independent Commissioner
18/09/2025

A Guide to the Resource Consent Hearing Process

Notified resource consent applications can be heard by either a Council Hearings Panel or by one or more Commissioners.

Commissioners have authority delegated to them by the Council to consider resource consent applications under the Resource Management Act 1991. They are independent persons who have professional expertise in the area of resource management (e.g. lawyers or planning consultants).

The normal procedures at a hearing are as follows:

1. The Chairperson/Commissioner opens the meeting, welcomes everyone, notes the nature of the application, introduces the Council officers, and briefly outlines the procedure. At this stage they will usually also confirm the names of those attending who wish to be involved in the hearing. Please advise the Chairperson/Commissioner if you have any particular time constraints.
2. The applicant presents their case to the Panel/Commissioner, either personally or through a solicitor or representative. The applicant may call witnesses where necessary (e.g. specialists such as planning consultants, traffic engineers or architects), and the Panel/Commissioner may ask questions.
3. Any persons who made submissions in support of the application then present their case. Again this may be personally or through representatives / witnesses and the Panel/Commissioner may ask questions.
4. Any persons who made submissions in opposition to the application then present their case, either personally or through representatives / witnesses. The Panel/Commissioner may again ask questions.
5. A Council planner, sometimes followed by other specialist Council officers, presents their pre-circulated report. The Panel/Commissioner may ask questions of the officers. The Chairperson/Commissioner will ask the Council officers whether they have any further comments to make in the light of the information presented by the applicant and submitters.
6. Each party has the opportunity to present their case at the appropriate place in the proceedings and should ensure that all relevant matters are raised at that time. There is no right of cross examination. If any party wishes to seek clarification of a matter raised by another party, the request for clarification should be directed to the Chairperson/Commissioner who may, if he / she considers it appropriate, pursue the matter with the other party.
7. After all parties have presented their case, the applicant is allowed a “right of reply” to any matters raised at the hearing.
8. The Chairperson/Commissioner adjourns the meeting and the decision on the application is then made in private. A site visit is commonly undertaken by the Panel/Commissioner before the hearing is declared closed.
9. The decision is released in writing to the applicant and all submitters as soon as is practicable. This is usually sent out within three weeks of the close of the hearing.
10. The applicant and submitters may have the right to appeal the Council’s decision to the Environment Court. If appeals are allowed, details on how to do this will be included with the decision.

NOTE: Please note that while most hearings follow the general order outlined above, the procedure is not fixed and may be altered at the discretion of the Chairperson/Commissioner on the day of the hearing to maintain flexibility.