

PROPOSED FAR NORTH DISTRICT PLAN

MINUTE 9 OF THE INDEPENDENT HEARINGS PANEL

Delays in Responding to Minute 7

INTRODUCTION

1. In Minute 7 the Hearings Panel sought additional information from Council officers following Hearing 1 of submissions to the Proposed District Plan (**PDP**).

A copy of this minute can be found here: [Minute 7](#)

2. In respect of Minute 7, we requested that:
 - a. Council arrange for an independent peer review of Mr Thompson’s economic evidence as it relates to Kerikeri being an “urban environment”.
 - b. Council provide an evaluation of Ms O’Connor’s planning evidence and a reasoned opinion on the “urban environment” questions listed in Minute 7.
 - c. The results of the peer review and the evaluation of the planning evidence be reported to the Panel.
3. The Hearings Panel have received two “interim” responses from Council officers which have advised the following:

1st Interim response (dated 20 August 2024) stated:

Officers have considered the request and are of the view that the most logical and appropriate time to address the matters is in evidence through the first ‘urban’ hearings topics. The first dedicated ‘urban’ topic hearing is Hearing 8 – General Residential and Engineering Standards which is at this point timetabled to be heard from the 25th of November 2024. Officers intend to fulfil the requirements of Minute 7 at that Hearing.

The 2nd response (dated 11 September 2024) stated:

We note that the Housing and Business Assessment was released to the Panel, submitters and the public generally on 13 August 2024, which will, ‘in part’ support Officers responses to the questions put forward by Minute 7.

Officers have considered the request and are of the view that the most logical and appropriate time to address the matters is in evidence through the

first 'urban' hearings topics. The first dedicated 'urban' topic hearing is Hearing 14 – Urban zones – General Residential and Mixed Use & Industrial which is timetabled to be heard from the 21st of July 2025. Officers intend to fulfil the requirements of Minute 7 at that Hearing.

4. On 29 July 2024 we received a memorandum from counsel for Kiwi Fresh Orange Company Limited (Submitter 554) relating to Minute 7. That memorandum sought a "limited right of reply" to any response from Council officers. On 23 September 2024 we received a further memorandum that stated:

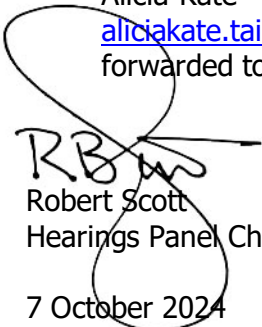
- (a) The Council has not provided reasons to justify the deferral of its response. To the contrary, its previous interim response suggests the Council had the capacity to respond by Hearing 8. Absent countervailing reasons, the Panel can assume that no resource constraints prevent the Council from supplying the requested information sooner.*
- (b) While the Minute 7 did not direct a timeframe for the Council's response, a response approximately one-year after the direction was issued cannot have been contemplated when the direction was issued.*
- (c) The Council has now produced a Housing and Business Assessment. KFO understood the Council wanted this Assessment before responding to Mr Thompson's and Ms O'Connor's evidence.*
- (d) KFO's submission on the urban environment was originally assigned to Hearing Stream 1. It is appropriate that decisions about strategic direction are resolved under the assigned hearing topic. Earlier provision of the Council's response would support the procedural efficiency of the hearing streams and allow the Panel to issue interim guidance, should it decide to.*
- (e) In addition to facilitating procedural efficiency of hearing streams, earlier provision of the information means KFO and other submitters are afforded the time reasonably required to respond to the Council's position. In doing so, the Panel can be better assured that it has all the information it needs to make an informed decision on whether the submission area is properly an urban environment.*
- (f) Although the Kerikeri-Waipapa Spatial Plan motivated the amendment of the hearing schedule, the matters the Council was directed to respond to can be addressed separately from the Spatial Plan.*
- (g) The Kerikeri-Waipapa Spatial Plan process would instead be improved by direction from the Panel about whether Kerikeri- Waipapa is an urban environment, given the purpose of a spatial plan is to illustrate the intended future location, form and mix of land uses. The same benefits of receiving interim guidance from the Panel during the strategic direction hearing to inform later urban environment hearings also apply to spatial planning.*

5. We have considered this memorandum and advise as follows.

6. In preparing Minute 7 we did not set a time limit for a response from Council officers. We did this intentionally to allow Council officers sufficient time to engage an economic expert and respond to the matters requested. In the two interim responses that we have received Council officers have stated that a full response would be available prior to the hearings relating to residential zoning. Initially, this was to be prior to Hearing 8 which was originally

set down to be the residential zone hearing. However, as set out in Minute 8 we have approved a revision to the hearing schedule, and this has resulted in the residential zone provisions being included in Hearing 14 – Urban zones – General Residential and Mixed Use & Industrial which is timetabled to be heard from 21 July 2025.

7. In agreeing to the rescheduling, we are cognisant that the Council is currently evaluating its Housing and Business Assessment (**HBA**) (released on 13 August 2024) and is about to release a Spatial Plan which will be focussed on the Kerikeri-Waipapa areas. While we would prefer the information to have been made available to us as soon as possible, we do see merit in delaying the response so that it can be informed by these parallel planning processes. In that regard, we do not view the requested delay in responding to Minute 7 as an inefficient use of hearing time as it would allow Council officers time to incorporate and evaluate our request in light of the information that would be forthcoming.
8. As discussed above, we have not set a date for the response to this request, but it has generally been agreed that the response would be provided to the Hearings Panel prior to the residential hearings and in a manner that allows submitters to evaluate the material and respond in evidence. In that regard we now consider it prudent to set a response date and direct **that the information needs to be provided by the Council to the Hearings Panel no later than Monday 9 June 2025 – being the notice of hearing for Hearing 14**. If the response can be released earlier than this date, we encourage the Council officers to do this.
9. We consider this would allow KFO and other parties sufficient time to evaluate the requested information and respond to it in the context of other material provided as part of the Hearing 14 process. We acknowledge the importance of hearing further from KFO in this respect and we are happy to hear further from KFO and to receive and/or hear its “limited right of reply” in which KFO would address the material to be received by the Panel in response to the matters raised in our Minute 7. That said, we consider that this can be effectively achieved as part of the Hearing 14 process.
10. If you have any questions regarding this Minute, please contact the Hearings Administrator Alicia-Kate (AK) Taihia - Submissions & Hearings Administrator District Plan: aliciakate.taihia@fndc.govt.nz or (09)4015247 in the first instance and this will be forwarded to the Panel for consideration.



Robert Scott
Hearings Panel Chairperson

7 October 2024