

**BEFORE HEARING COMMISSIONERS DELEGATED BY FAR NORTH  
DISTRICT COUNCIL / TE KAUNIHERA O TE TAI TOKERAU KI TE RAKI AT  
KAIKOHE**

**UNDER** the Resource Management Act 1991 (RMA)  
**IN THE MATTER** of the hearing of submissions on the Proposed Far North  
District Plan

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**MEMORANDUM OF COUNSEL FOR KIWI FRESH ORANGE COMPANY  
LIMITED (SUBMITTER 554) RELATING TO MINUTE 7**

**29 July 2024**

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**Solicitor acting:**  
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**WYNN WILLIAMS**

**MAY IT PLEASE THE PANEL**

- 1 In Minute 7, the Independent Hearings Panel requested further information from the Far North District Council in response to Kiwi Fresh Orange Company Limited's (**KFO**) submission regarding the National Policy Statement: Urban Development during Hearing 1.
- 2 The Panel has specifically requested an independent review of Mr Thompson's economic evidence and an evaluation Ms O'Connor's planning evidence.
- 3 KFO are grateful for the Hearings Panel's further consideration of its submission and, as signalled at the hearing, it welcomes further engagement from the Council on the merits of its submission (rather than a recommendation to decline on the grounds that further work is due at some later date). The topic is important to the growth and prosperity of Kerikeri-Waipapa. A substantive response from the Council is appropriate.
- 4 Nevertheless, the material the Panel requests should have been put before it prior to Hearing 1 so that the Panel and parties could engage with the issues without the need for further information requests. KFO wish for an opportunity to respond to this material, particularly if new information is put before the Panel.
- 5 KFO is cognisant the Hearings Panel must balance the parties' natural justice with administrative efficiency. Accordingly, it requests a limited right of reply as follows:
  - (a) KFO may file written reply evidence from Ms O'Connor and Mr Thompson and legal submissions within 15 working days of receipt of the material identified in paragraph 6 of Minute 7;
  - (b) That, in accordance with clause 10.2(b) of the Environment Court Practice Note, KFO's right of reply is limited to a response to matters raised by the Council (and any new matters) and is not an opportunity to repeat its case;
  - (c) KFO will advise the Hearings Panel whether it intends to file reply as soon as practicable upon receipt of the Council's material.

- 6 KFO does not anticipate that the Hearings Panel would need to reconvene the hearing. KFO would, however, make its experts and counsel available to address the Hearings Panel if necessary, including by audiovisual-link and/or as a supplementary matter to another hearing topic.



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Mike Doesburg  
Counsel for Kiwi Fresh Orange Company Limited

Date: 29 July 2024