

Whangarei District Council (WDC) & Northland Regional Council (NRC)

Resource Management Act 1991 (the Act)

Applications for Consent - Onoke Heights Subdivision, Dip Road, Kamo

MINUTE of the Independent Commissioner dated 23 October 2023

- 1) The purpose of this MINUTE is to issue procedural directions regarding the Hearing set down for 14-15 November 2023.
- 2) The 2 Councils have appointed Independent Commissioner Alan Withy in terms of s34A of the Act, to hear and decide the applications regarding the Onoke Heights Subdivision and related matters.
- 3) A submitter has suggested a commissioner familiar with Te Ao Maori issues should be appointed and the Commissioner can confirm relevant experience, based on:
 - i. regular and recent appointments to chair Hearing Panels dealing with Te Ao issues comprising Maori Commissioners, and
 - ii. dealing regularly with issues in terms of Part 2 of the Act which requires such matters be taken into consideration, and
 - iii. regular exposure to mana whenua concerns through advising and consulting with Maori people and entities during the last several decades.
- 4) A 1996 Decision of the Environment Court has been referred to the Commissioner, which declined to allow a Private Plan Change seeking to rezone the subject land from rural purposes to allow subdivision, on the basis that it would not give effect to s6(e) of the Act.
- 5) Mr Alister Hartstone (the RO) has been commissioned by both Councils to provide independent advice to the Hearing in terms of s42A of the Act, and his preliminary and pre-circulated Report recommends consent to the proposals be declined.
- 6) After hearing from the Applicant and all Submitters, the RO will have opportunity to add to and amend any of his conclusions and recommendations; the Commissioner may follow that advice or come to different conclusions in issuing his decisions.

- 7) The Commissioner has read the s42A Report and the Environment Court Decision; plus the Submissions received by the 2 councils; and he will read all further material submitted prior to the Hearing.
- 8) Notification was given on 20 October 2023 to all parties that the applications would be heard on 14-15 November 2023, and called for evidence to be provided within 10 days.
- 9) The Act provides considerable flexibility to the Commissioner in presiding over the Hearing; he proposes to enquire into where the differences lie between parties; and direct 'caucusing' of parties and their witnesses where and when appropriate.
- 10) Acting under s34A of the Resource Management Act, the Commissioner directs as follows:
 - a) All evidence submitted within 10 days after 20 October is to be circulated to all parties that have indicated an intention to attend the Hearing.
 - b) Submissions to be made and evidence to be called should as far as possible be circulated between all parties before the Hearing.
 - c) Such submissions and evidence should clearly address relevant historic and contemporary matters pertinent to the issues to be addressed and determined.
 - d) Where practical, consultation and negotiation should address issues in contention before the Hearing, and the outcomes should be circulated to all parties.
 - e) At the Hearing verbal submissions and evidence should be delivered in summary form without reading full scripts; they should clearly identify and address differences that remain between the parties.

All queries should be directed to or through the Hearing Administrator: consentsadmin@wdc.govt.nz

Signed:



Independent Commissioner Alan Withy