

**BEFORE KĀPITI COAST DISTRICT COUNCIL**

**IN THE MATTER OF**

**Resource Consent application for**  
Tieko Street Subdivision

**APPLICANT**

**M R Mansell, R P Mansell and A J Mansell**

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**MINUTE # 1 OF HEARING COMMISSIONERS:  
HEARING PROCEDURES AND COMMISSIONER DIRECTIONS  
DATED 11 JULY 2022**

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**Minute # 1 of Hearing Commissioners**  
**Tieko Street Subdivision**  
**RM210147**

**Hearing**

1. The hearing to consider and decide the Tieko Street subdivision resource consent application will start on Wednesday 3 August 2022. The length of the hearing is yet to be confirmed but we anticipate it may take two to three days.

Hearing Venue: Paraparaumu Library Meeting Room, 9 Iver Trask Way, Paraparaumu

Time / Date: 9:00am Wednesday 3 August 2022

Attendance: Submitter attendance via video conferencing will be available. Details about video conferencing attendance will be advised at a later date.

Application site: 48 and 58 Tieko Street, and 131, 139 and 147 Otaihanga Road, Otaihanga, Paraparaumu

2. Details of the hearing, application documents, and hearing evidence can be found on the hearing webpage: <https://www.Kapiticoast.govt.nz/whats-on/have-your-say/public-notice/mansell>.
3. A hearing timetable will be available on the webpage at least one week before the hearing but will be subject to review, including on a daily basis, during the course of the hearing. Parties are advised to check the timetable regularly. Please contact the Hearing Administrator about any timetable matters: Emma Bean, [Emma.Bean@Kapiticoast.govt.nz](mailto:Emma.Bean@Kapiticoast.govt.nz), 04 296 5400.

**Commissioner Panel**

4. A panel of independent commissioners has been appointed by Kāpiti Coast District Council to hear and determine this application. The panel is:
  - Phillip Hindrup
  - Mark Ashby

**Exchange of evidence**

5. All references to “sections” in this Minute are to sections of the Resource Management Act 1991 (RMA). Note that “working days”, as defined by the RMA, exclude weekends and public holidays.
6. The panel directs the following pre-circulation of evidence in advance of the hearing commencing. The evidence should be provided to the Hearing Administrator, and it will then be uploaded to the application webpage.

**Council evidence**

A copy of the KCDC planning officer’s recommendation report (section 42A) must be provided 15 working days before the hearing (section 42A(3)). It must be received no later than Wednesday 13 July.

Expert evidence prepared on behalf of the Council must be provided 15 working days before the hearing (section 103B(2)). It must be received no later than Wednesday 13 July.

***Applicant's evidence***

A copy of the applicant's evidence must be provided 10 working days before the hearing (section 103B(3)). It must be received no later than Wednesday 20 July.

***Submitters' expert evidence***

Any person who has made a submission and who is intending to call expert evidence must provide briefs of this expert evidence to the Council and the applicant at least 5 working days before the hearing (section 103B(4)). It must be received no later than Wednesday 27 July.

7. Non-expert evidence (including statements by submitters, and legal submissions) need not be provided in advance of the hearing. It should be tabled and read aloud on the day of the hearing.
8. Pre-circulated reports and evidence should be provided to Kāpiti Coast District Council electronically by email. Hard copies of the evidence should only be provided on request. If you are providing a written non-expert statement on the day of the hearing, it would be appreciated if you can bring at least 10 copies to the hearing.

**Viewing evidence**

9. In addition to the application webpage, a copy of the Council planner's recommendation report and any associated expert reports, the applicant's evidence, and any expert evidence provided by submitters, will also be made available at the Kāpiti Coast District Council offices to meet the timeframes set out above.

**Hearing Procedure**

10. A useful guide to the conduct of hearings can be found at:  
<https://environment.govt.nz/publications/appearing-at-a-hearing-about-a-proposed-plan-or-resource-consent/>
11. Pursuant to s41C(1) of the RMA, the panel directs that in respect of expert evidence pre-circulated in accordance with these Directions, the hearing will be conducted in the following manner:
  - The Council planner's report(s) (section 42A) and all pre-circulated evidence will be treated as having been read by the panel and all other parties prior to the hearing;
  - The applicant, or a submitter who has provided pre-circulated expert evidence, is to ensure that the witness is present in person (or via audio visual link if not otherwise available – please advise the hearing administrator Emma Bean if this is necessary);
  - The witness should be introduced and asked to confirm their qualifications and experience;

- The witness should be asked to confirm the matters of fact and opinion contained in their statement of evidence;
  - The witness will then be given an opportunity to draw the panel’s attention to key points in the statement of evidence. No new evidence can be introduced, unless it is specifically in response to matters raised in other pre-circulated statements of evidence supplied by another party. In such cases the new evidence must be presented in written form as an Addendum to the primary statement of evidence and it may be verbally presented by the witness. If there is any variation between what the witness says and what is in the statement of evidence, the panel will assume that the written statement is the evidence unless the content of the statement is specifically amended by the witness;
  - The panel may then question the witness.
12. If any party has a question which they would like the panel to ask any of the hearing participants, they should provide these to the panel, in writing via Emma Bean, before or at the commencement of the hearing. The panel will then consider the appropriateness of asking the question(s).
13. If any party has a procedural matter that they wish to raise regarding the hearing, we request that they do so, via Emma Bean in advance of the hearing.
14. Emma Bean will be in touch with all parties who wish to present evidence / statements at the hearing to ascertain times for their presentations. This is so that scheduling can occur and that the panel can make the most efficient use of everyone’s time.

**Site visit**

15. The panel will be undertaking a site visit prior to the hearing commencing. We will do so unaccompanied by any other parties, other than the hearing administrator or another appropriate Council officer for the purpose of ensuring health and safety. The panel may undertake a further site visit during or after the hearing.

**Correspondence**

16. Any correspondence with the Chair should be directed through Emma Bean, [Emma.Bean@Kapiticoast.govt.nz](mailto:Emma.Bean@Kapiticoast.govt.nz), 04 296 5400



Mark Ashby  
**Independent Commissioner**



Phillip Hindrup  
**Independent Commissioner**