

Proposed Waitaki District Plan Hearings

Minute 1

Directions of the Hearings Panel

INTRODUCTION

1. The Waitaki District Council has appointed the following Panel of Resource Management Act 1991 (RMA) accredited commissioners to make decisions¹ on submissions and further submissions received on the Proposed Waitaki District Plan – Exempt version (PDP):
 - Allan Cubitt (Chair)
 - Rosalind Day-Cleavin (Deputy Chair)
 - Cr Jim Hopkins
 - Hoani Langsbury
 - Cr Courtney Linwood
 - Jim Thomson
2. The purpose of this minute is to set out the background to this process and how the hearings will be run.
3. The Panel has allocated six Hearing Streams, which are based on closely related topics and chapters. The first of these hearings will be held on 19 – 21 August 2026 and will relate to a number of overarching and district wide matters. All Commissioners will participate in the first hearing, but the Panel membership will be smaller for subsequent Hearing Panels. The proposed Hearing Schedule is attached at Appendix 1.
4. The Panel acknowledges that this approach will mean that some submitters may have to attend and participate in several hearings. However, to ensure an efficient hearing and decision process overall, the Panel considers this the most appropriate way forward.

¹ Note: this does not extend to approving the plan to make it operative under Clause 17 of the First Schedule to the RMA.

BACKGROUND

5. The PDP was publicly notified by the Waitaki District Council (the Council) on the 1st of March 2025. When the submission period closed, 314 submissions had been received that contained 15441 submission points.
6. Subsequent to this process, the Government passed legislation in August 2025 that halted the processing of newly notified District Plans across the country. That legislation did enable councils to request exemptions in key areas, which the Waitaki District Council sought in relation to residential, business, and infrastructure development in the district. The Minister accepted that request in full on the 3rd of December 2025.
7. As a consequence of this process, the exempt parts of the Proposed District Plan are now proceeding through the process under the First Schedule of the RMA. The parts of the PDP that remain are as follows:
 - Rezoning and Residential, Settlement and Rural Lifestyle zone provisions to provide for future housing
 - Listed heritage items that are not opposed by landowners
 - Sites that are listed in the Ōamaru Historic Town Centre and Port National Historic Landmark proposal by Heritage New Zealand
 - Large industry zones for Macraes Mine, Pukeuri Freezing Works, Lean Meats
 - Energy, Infrastructure, Stormwater and Transport
 - Designations
 - Some Earthworks provisions, Temporary activities and Noise
 - Natural Hazards
 - Treaty of Waitangi Settlement Act or Deed of Settlement
 - Definitions
 - Strategic Direction chapter
8. If you submitted on the Proposed Waitaki District Plan, your submission may still be relevant where it was on those sections/issues outlined in paragraphs 6 and 7 above. You can also check the spreadsheet on the Council's website² under each topic, and

² Link to spreadsheet: www.waitaki.govt.nz/Council/Consultation/proposed-district-plan

these have been marked to show what submission points are in or out. If you disagree with the categorisation, please contact the Hearings Administrator for advice on how to address this with the Hearings Panel.

9. The other parts of the Proposed District Plan have been withdrawn³, and the Operative Waitaki District Plan continues to apply. Hence, if you submitted on these parts, then you do not need to do anything further in this process.

HEARING FORMAT AND LOCATION

10. The hearings will be held at Council's Chambers in Oamaru and will commence at 9.00am each day and generally conclude at 5.00pm. However, the hearing may extend beyond 5pm to ensure a submitter does not need to come back the following day. It is also highly unlikely that all three hearing days set down for each hearing stream will be fully utilised. This will be determined by who wants to attend the hearing and for how long. Breaks for morning and afternoon tea will be 15 minutes, and for lunch one hour. There will be flexibility around timing of breaks to avoid unnecessary interruptions to submitter presentations.
11. The Hearings Panel will ensure that the most appropriate, fair, and efficient hearing process is followed. While the hearing process will comply with the requirements of the RMA, unnecessary formality will be avoided. While hearing times will be managed for efficiency purposes, the Panel will ensure all parties are provided with an adequate opportunity to be heard. No cross-examination of witnesses by other submitters is permitted in this process.
12. The Panel will receive evidence in Te Reo and New Zealand sign language, if and when requested to do so by a submitter. You will need to contact the Hearings Administrator to arrange this.
13. Pursuant to 42 of the RMA, the Hearings Panel has the power to ensure that certain categories of information presented by a party is kept confidential. The duration of such orders depends on the reasons for them being made. In cases of commercial sensitivity, confidentiality protections end at the conclusion of the hearings. The Hearings Panel has a broader jurisdiction where serious offence to tikanga Māori or the location of wāhi tapu is involved.
14. If a submitter would like to request that the Hearings Panel makes an order of this kind, please advise the Hearings Administrator of that, and the reasons for the orders sought, as promptly as possible.
15. The Hearings will either be live streamed and/or recorded and uploaded to Council's website to enable submitters to hear the presentation of other submitters, along with the questions the Panel may put to them, without needing to be physically present at the hearing. This is important for the efficiency of the hearings process.

³ www.waitaki.govt.nz/Public-Notices/Proposed-Waitaki-District-Plan-Exemptions-and-Withdrawals

16. Each Hearing Stream will follow the following format:
 - a. The Hearing Stream will commence and end with a karakia.
 - b. The Chair will introduce the Hearing Panel, cover any preliminary issues, and invite any party wishing to raise procedural issues to do so.
 - c. The Council's Section 42A reporting officers will briefly introduce their recommendations on submissions to their respective topics/chapters and answer any pre-circulated questions from the Panel. The Hearings Panel may ask follow-up questions before proceeding to hear from submitters.
 - d. Submitters will be heard in the order set out in the Hearing Schedule that will be pre-circulated.
17. At the first Hearing, the Council will have an opportunity to provide an opening statement and call witnesses, as necessary, in order to provide an overview of the proposed District Plan format, issues and any relevant background information relating to the preparation and notification of the PDP.
18. Submitters will generally be allocated 15 minutes to speak to their submissions. This is because the Hearing Panel will already have already pre-read your submission and any pre-circulated evidence as directed below. A further 10 minutes will be available for the Panel to ask questions.
19. However, if you think you need longer than 15 minutes, please request this via the Hearings Administrator setting how much additional time you need and for what reasons. The Panel will ensure that all submitters have the time necessary to adequately present their evidence and submissions, bearing in mind the need for an efficient process.
20. It is recommended that you arrive at least 30 minutes before you are due to speak – partly to provide for the possibility that the hearing may be going quicker than scheduled, but also to enable you to observe the hearing process and get comfortable with the way it works in practice.
21. The ability to attend the hearing virtually will also be available. This will need to be arranged with the Hearings Administrator at least 10 working days prior to the hearing commencing.
22. Following the conclusion of each hearing the Council's Section 42A Report authors will provide a written Right of Reply outlining any amendments to their original recommendations, including their reasoning. This reply shall also address any questions that the Panel may have arising out of the hearing. This must be filed within 10 working days of the adjournment of the hearing unless the Chair directs a different timeframe.

23. The Panel's decisions on each Hearing Stream will not be released sequentially. The Panel will release their overall Decision Report following the conclusion of all the hearings.

TIMEFRAMES and PRE-CIRCULATION of MATERIAL

24. A notice of hearing will be circulated 20 working days ahead of each scheduled hearing along with relevant Section 42A reports. The Hearings Administrator will contact submitters who have expressed a wish to be heard 15 working days prior to each hearing to confirm that they still wish to be heard in relation to that topic.
25. Section 41B of the RMA allows the Panel to make directions with respect to the pre-circulation of evidence and legal submissions (if any). This will assist in the efficient running of the hearings as it enables the Panel, and other submitters, to read all the evidence before the commencement of the hearing thereby minimising the time required for everyone to present their case at the hearing itself.
26. The Panel therefore directs the following time limits for the pre-circulation of evidence and other material:

	Hearing Step	Timing/Deadline
1.	Expert evidence for any submission seeking a substantial rezoning	<u>50 working days</u> before the relevant Hearing Stream commences.
2.	Section 42A report	<u>20 working days</u> before the relevant Hearing Stream commences, but earlier if possible.
3.	Confirm request to be heard, advise preferred timing and where applicable, ask for more time than default 20 minutes	The hearing schedule will be confirmed at the time of formal confirmation of the hearing date but no less than <u>10 working days</u> prior to the stream hearing.
4.	Expert Evidence	<u>10 working days</u> before the relevant Hearing Stream commences.
5.	Request site visit	<u>10 working days</u> before the relevant Hearing Stream commences
6.	Legal Submissions	<u>5 working days</u> before the relevant Hearing Stream commences.
7.	Requests to present evidence in Te Reo, Sign Language, or to use audio-visual equipment	<u>5 working days</u> before the relevant Hearing Stream commences, but earlier if possible.
8.	Requests for submitter or specified witnesses to appear virtually (by Teams)	<u>5 working days</u> before the relevant Hearing Stream commences, but earlier if possible.
9.	Expert summaries and written representations - 3 A4 pages or less	When you appear (but earlier if possible).

10.	Tabled Evidence and Representations	The last day of the relevant Hearing Stream.
-----	-------------------------------------	--

27. Where the Hearing Panel has directed a particular step be taken by a specified date that should be read as 1pm on that date. This is to give the Hearings Administrator time to load the material provided on the Hearings website and send it to the Hearing Panel that day.
28. If you are not being represented by an expert or an advocate at the hearing, you do not have to pre-circulate your evidence. However, if you are presenting written material in support of your submission, we would strongly recommend that you provide a copy of that to the Hearings Administrator 10 working days before the hearing.
29. The above timeframe has an early evidence pre-circulation date for those submissions that seek substantial rezoning proposals (whether upzoning or downzoning). This is so any technical evidence submitters wish to have considered by Council officers in preparing their Section 42A reports is received in good time. Evidence on three waters infrastructure will be critical in assessing any such proposals and will need to be provided by the submitter.
30. As a consequence, the Panel expects Section 42A report authors to contact submitters directly where appropriate to discuss the information or evidence to support their request that will assist the Section 42A author to provide comprehensive recommendations to the panel. This will need to occur well in advance of the 50 working days for the pre-circulation of zoning request evidence.
31. Prior to the hearing, the Panel may collate and circulate questions they may have of the Section 42A report author. The report author shall address those questions at the hearing, when they introduce their report. The Hearings Panel may also ask questions, seek clarification or request further information from the Section 42A report authors during the course of the hearing. Where the panel asks questions or requests further information, this will be recorded in a Minute and published on the website
32. Following the completion of a Hearing, the Hearing Panel will not accept additional material on the matters that were the subject of the hearing, other than in exceptional circumstances or where the Panel itself has requested it.
33. Any party wishing to provide additional material following the completion of the hearing will require the approval of the Chair. The party must submit a written request to the Chair (via the Hearings Administrator) which addresses the relevance of the additional material, any potential prejudice to other participants in the hearing process, including Section 42A officers and other Council staff, and any disruption that material may cause to the efficient completion of the hearing process.

EXPERT CONFERENCING / CAUCUSING

34. Either prior to or following the exchange of expert evidence as detailed above, it may be beneficial for expert witnesses providing evidence relating to a specific topic to confer and attempt to reach agreement on issues, or at least to clearly identify the issues on which they cannot agree, and the reasons for that disagreement.
35. Submitters are requested to liaise amongst themselves, along with the Hearings Administrator and with the relevant Section 42A report author, in order to facilitate their respective experts conferencing on matters relevant to their specific areas of expertise for each hearing topic.
36. If expert conferencing occurs, then a Joint Witness Statement (JWS) is to be prepared for each specific area of expertise and provided to the Hearings Administrator no later than five working days prior to the hearing commencing. We assume that the JWS will be prepared by the relevant Council expert witness (or Section 42A report author) unless the experts agree otherwise amongst themselves.
37. The Hearing Panel itself may also request expert conferencing during or after each hearing, together with the preparation of additional JWSs.
38. All expert witnesses, in both preparing and presenting their evidence as well as when attending expert conferencing, are expected to comply with the Environment Court Consolidated Practice Note 2023—Code of Conduct for expert witnesses available at the following website <https://environmentcourt.govt.nz/about/practice-note/>

SITE VISITS

39. The Hearings Panel may undertake site visits in order to better understand the site-specific context of the submissions that have been lodged.
40. If any submitter believes it would assist the Hearing Panel to undertake a site visit of their property, they are invited to contact the Hearings Administrator at the latest by the deadline for submitter expert evidence in relation to the relevant hearing. Such requests should be accompanied with advice on what particular areas the submitter wants the Panel to view.
41. It is important to appreciate that the purpose of a site visit is not to gather evidence, but rather to enable the Hearing Panel to better understand the evidence they will hear. Accordingly, site visits are not an opportunity for an informal discussion of issues on site. The Hearing Panel will not enter into discussions on site about the merits of submissions, but they may ask the submitter/landowner to point out particular features on the site that are the subject of a submission(s).

CORRESPONDENCE AND HEARING ADMINISTRATION

42. Submitters and other hearing participants must not attempt to correspond with or contact the Hearings Panel members directly. The Hearings Administrator is the 'point of contact' for submitters and the public regarding the hearings process. All

communications and requests of the Hearing Panel must be addressed to the Hearings Administrator as follows:

Email: planreview@waitaki.govt.nz

Phone: 03 433 0300

43. The Hearings Administrator will play a significant role in the success and efficiency of the hearing process. They will oversee the various administrative tasks needed to ensure an efficient hearing process, including:
- Issuing schedules and hearing notifications.
 - Making hearing arrangements, including scheduling submitter hearing times.
 - Circulating Hearing Panel Minutes and other directions.
 - Circulating evidence and reports for each hearing.
 - Handling submitter inquiries.
 - Handling public and media inquiries to the Hearings Panel.
 - Generally assisting the Hearings Panel with logistical and administrative matters as required.
44. The Hearings Administrator is also responsible for managing the PDP Hearing Portal to ensure that all necessary information to support an efficient hearing process is available to all participants. This information will be uploaded to:

www.waitaki.govt.nz/Council/Consultation/proposed-district-plan

SERVICE OF DOCUMENTS

45. All written material (evidence, hearing reports, JWSs and legal submissions) addressed by this Minute must be lodged with the Hearings Administrator in Microsoft WORD format by the stated deadline: email to:

Email: planreview@waitaki.govt.nz Or:

Postal: Private Bag 50058, Oamaru 9444

46. All written material relevant to the hearings will be posted on the Council's webpage:

www.waitaki.govt.nz/Council/Consultation/proposed-district-plan

DEVIATION REQUESTS

47. If any participant wishes to deviate from any timetable or other requirement identified in this Minute a written request to do so (inclusive of reasons) must be addressed to the Chair and be provided to the Hearings Administrator. The Hearings Panel will consider and determine any such requests.

PROCEDURAL QUERIES

48. Submitters who have a procedural query or wish to raise a procedural matter prior to the hearings commencing must set that out in writing and provide it to the Hearings Administrator prior to **20 July 2026**. It will then be decided whether or not a hearing is required to consider any such matters. Alternatively, the Chair of the Hearings Panel may issue a procedural decision or minute addressing the matter raised.



Allan Cubitt

Chair - on behalf of the Hearing Panel members

24 June 2026

Appendix 1 Hearing Timetable

Hearing Stream	Abbreviations	Topics and chapters	Indicative Hearing Panel Members	Indicative Hearing Dates
Stream 1		General	Entire Panel	19– 21 August 2026
		Glossary		
	SD	Strategic Directions		
	MW	Mana whenua		
	PK	Papakainga		
Stream 2	ENG	Energy	Allan Cubitt (Chair)	23 - 25 September 2026
	INF	Infrastructure	Rosalind Day-Cleavin	
	STORM + APP1	Stormwater	Cr Jim Hopkins	
	TRAN + APP2 + SCHED1	Transport	Hoani Langsbury	
	EW	Earthworks	Cr Courtney Linwood	
	DES	Designations		
Stream 3	SUB, NOISE, TEMP	Subdivision, Noise, Temporary Activities	Allan Cubitt (Chair)	21 - 23 October 2026
	SPZMM	Macraes Mining Zone	Cr Jim Hopkins	
	NH, CE	Natural Hazards Coastal Environment	Hoani Langsbury Cr Courtney Linwood	
Stream 4	HH + SCHED2 PREC2	Heritage	Allan Cubitt (Chair)	18 - 20 November 2026
	FUG RESZ GRZ MRZ + APP11 RLZ	Residential Zones	Rosalind Day-Cleavin	

	SETZ		Cr Jim Hopkins	
	LCZ MUZ TCZ + APP13 LFRZ	Commercial zones	Cr Courtney Linwood Jim Thomson	
	LIZ GIZ HIZ	Industrial zones		
	OSZ SARZ	Open Space & Recreation Zones		
Stream 5		Zoning Requests	Allan Cubitt (Chair) Rosalind Day-Cleavin Cr Jim Hopkins Cr Courtney Linwood Jim Thomson	9 - 11 December 2026
Stream 6		Mop up and remaining definitions	TBC	TBC February 2027