

BEFORE THE MANAWATU DISTRICT COUNCIL

IN THE MATTER of the review of the operative
Manawatu District Plan

AND

IN THE MATTER of Plan Change 65
Respondent

MINUTE NO. 1

Dated: 7 October 2020

- [1] This Minute addresses the management of the hearing of submissions on Plan Change (PC) 65 to the Manawatu District Plan. That Plan Change hearing will commence on 23 November 2020.
- [2] The Panel of Commissioners are:
- (a) John Maassen (Chair);
 - (b) Alison Short; and
 - (c) Shane Casey.
- [3] The Panel has delegated authority to hear and determine submissions on the Plan Change.
- [4] The Panel's directions under the Resource Management Act (RMA), s 41B are:
- (a) The Council must provide its s 42A reports on the plan change ten working days before the hearing following RMA s 42A(3).

- (b) Any submitter to PC 65 intending to call expert evidence must provide to the Council, a statement of evidence from that expert within five working days of the hearing following RMA s 41B(4). Non-expert evidence can also be circulated at that time.
- [5] The date set in [4](a) is shorter than the statutory default, but because of the scope of the Plan Change, we see no prejudice in that. It is preferable to making no direction at all in which case the five-day limit applies. So the fifteen days requirement is waived.
- [6] Mrs Allie Dunn is assisting the Panel with the administration. Mrs Dunn's email address is governance@mdc.govt.nz. Any matters involving the Plan Change and process should be directed to Mrs Dunn at that email address.
- [7] To assist submitters, Mrs Dunn will prepare a schedule of speaking times available to slot submitters into the process. Mrs Dunn cannot necessarily accommodate all preferences. Submitters will need to give a realistic time estimate to present their submission.
- [8] At the start of the hearing, the Council reporting staff and consultants will speak to their reports, and then we will move to submitters. MDC will have a right of reply as the Plan change initiator.
- [9] Section 42A reports and pre-circulated expert evidence will be published on the Council's website. They can be found in the agenda section of the Council's website and at the particular part of the Council's website addressing the plan change. Mrs Dunn will advise submitters by email when those reports are available for inspection and provide precise URL's. Unless a hard copy is requested, the Council will not distribute hard copies. Therefore, if you need a physical copy, then you should advise Allie Dunn as soon as possible.
- [10] The Panel will read all of the submissions and pre-circulated evidence before the hearing.
- [11] The Panel directs under RMA s 41C(1)(b)ii that it will pre-read the submissions and pre-circulated evidence, so parties need not deliver that material to us at the hearing.

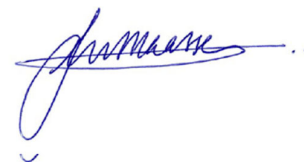
- [12] Any non-expert evidence not pre-circulated should be forwarded to Ms Dunn in electronic format. As long as it is sent 48 hours before the hearing, submitters can assume the Panel has read it. We are equally content to receive the evidence at the hearing and have it read to us.
- [13] The Council has available electronic equipment that enables projection onto large screens in the hearing room. If information is to be presented electronically (which is our preference), then it should also be included in a portable drive to enable projection during the hearing. Our strong preference is that any evidence not previously circulated is also in an electronic format so that the Panel and the Council can easily use it.
- [14] In a plan change process under the RMA, Schedule 1, there are at least the following three versions of the Plan Change :
- (a) PC(N) = the plan change as notified;
 - (b) PC(R1) = the plan change recommendations in the Section 42A Report version 1 that is pre-circulated under Section 42A;
 - (c) PC(R2) = the plan change recommendations in the Council's right of reply that is version 2 following consideration of the evidence at the hearing;
- And then
- (d) PC(C) = the plan change provisions as determined by the Panel in its decision.
- [15] That terminology might be useful for participants, and we will certainly use it in our decision. It helps to know what particular version a person is speaking about.
- [16] We have asked that PC(R1) include those PC(N) provisions that are in dispute as a result of submissions and that any tracked changes to those provisions, as a result of submissions, be identified by highlighting. Similarly, PC(R2) should have some method of tracking further changes as a result of the hearing that is recommended by the Council's reporting planner.

- [17] It would be useful for submitters to similarly note any changes to PC(R1) that they recommend. It would be helpful for submitters to use a similar format if they have sufficient time between receipt of PC(R1) and the hearing. If not, it is useful to at least use the same numbering version for the provision in dispute as that used by the reporting planner.
- [18] Our current thinking is that we will issue a decision that includes a spreadsheet containing our decision on provisions. That will be PC(C). Our worksheet will identify in tabular form the items listed in table 1 below.

Table 1

Disputed provision number based on the provisions identified to be in dispute by submissions	PC(N)	PC(C)	Submitters names per provision and determination on that submission	Additional reasons to those contained in the decision

- [19] The Panel will conduct hearings between 9:00 am, and 4.30 pm, with breaks at 11:30 – 11:45 am, 1:00 – 2.00 pm and 3:15 – 3.30 pm.
- [20] The Panel will carry out a viewing of the areas affected by the Plan Change before the hearing.



John Maassen
Chairperson