

**IN THE MATTER OF**

the Resource Management Act  
1991

**AND**

**IN THE MATTER OF**

a request by Te Kapiti Trust to  
change the Manawatū District Plan  
under Clause 21 of Schedule 1 of  
the Resource Management Act  
1991 (Private Plan Change 1)

### **MINUTE 3 OF THE HEARING PANEL APPOINTED BY MANAWATŪ DISTRICT COUNCIL**

#### Request for amended timeframes

1. In our Minutes 1 and 2 we set out directions and timeframes relating to the exchange of evidence, the preparation of stormwater and planning joint witness statements (JWSs) and the provision of legal advice.
2. On 19 April 2023, we received a request, with reasons, from the Council's reporting officer for leave to extend the timeframes for the stormwater and planning JWSs Council's legal advice and s42A reports. A copy of that request is appended to this Minute and is available on the Council's website.
3. Having considered the request and the reasons for the extensions, we accept that an extension is necessary in the circumstances. However, we are mindful of the impact that this extension may have on the Requestor and submitters having sufficient time to review the s42A report and legal advice and provide their evidence.
4. We hereby amend the timetables set out in Minutes 1 and 2 and direct and request as follows:
  - (a) The Requestor's, the Manawatū District Council's (Council) and Horizons Regional Council's stormwater experts are requested to undertake expert conferencing and prepare a joint witness statement (JWS) no later than **4pm Friday 21 April 2023**.
  - (b) The Council is requested to obtain and provide legal advice on the interpretation of the National Policy Statement on Highly Productive Land 2022 (NPS-HPL) no later than **4pm Friday 21 April 2023**. This advice is to address the following matters:
    - (i) What is the equivalent zone in the National Planning Standards to the Rural 2 Zone and the Rural Lifestyle Nodal Overlay in the Manawatū District Plan that apply to the Private Plan Change 1 site? In other words is it equivalent to a "general rural or rural production" zone for the purpose of cl 3.5(7)(a) (i) of the NPS-HPL?

- (ii) Does the Council's Draft District Plan constitute a strategic planning document that would fall within the defined exemption for "*identified for future urban development*" in cl 3.5(7)(b) (i) the NPS-HPL?
  - (iii) Does the Versatile Land Assessment contained in Appendix H of the Private Plan Change 1 request, which identifies the Private Plan Change 1 site as being LUC 4 or LUC 6, satisfy the requirement for "*more detailed mapping that uses the Land Use Capability classification*" so as to exclude it from the definition of LUC 1, 2 or 3 land referenced in cl 3.5(7)(a) (ii) of the NPS-HPL. If it does not, why does it not?
- (c) Pursuant to section 42A RMA, the section 42A report shall be made available on Council's web site by **4pm Friday 28 April 2023**. The report is to be in .pdf and Word document format.
  - (d) Following receipt of the stormwater experts' JWS, the Requestor's and the Manawātū District Council's (Council) planning experts are requested to undertake expert conferencing and prepare a JWS to address the planning matters arising from the stormwater experts' JWS. The JWS is requested to be provided no later than **4pm Wednesday 3 May 2023**.
  - (e) Pursuant to section 41B(3) and (4) RMA, all expert evidence<sup>1</sup> to be given at the hearing on behalf of the requestor shall be provided to Council by **4pm 11 May 2023**. The evidence is to be in .pdf and Word document format.
  - (f) Pursuant to section 41B(3) and (4) RMA, all expert evidence to be given at the hearing on behalf of any submitter shall be provided to Council by **4pm 19 May 2023**. The evidence is to be in .pdf and Word document format.
  - (g) Pursuant to section 41B(3) and (4) RMA, the Council may provide a written reply in response to the requestor's and any submitter expert evidence no later than **4pm 24 May 2023**. The reply is to be in .pdf and Word document format.
  - (h) As soon as possible after any evidence received pursuant to the above Directions and Requests, the Council shall place the evidence/information on Council's website.
- 5. All expert evidence, including the section 42A report must be received within the timeframes set out above. Where a party seeks to deviate from the timeframes above, they are to seek leave from the Panel in advance, setting out the reasons for the request to deviate, how this may impact on hearing timeframes, and setting out any remedies for any impact. Expert evidence that is received outside of the set timeframes may not be accepted by the Panel, unless leave is granted.
  - 6. All expert evidence, including the Council section 42A report, must be prepared in accordance with the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023.

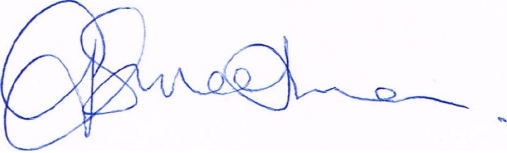
---

<sup>1</sup> Expert evidence is evidence given by a person with specialist qualifications and / or experience. It includes experts in mātauranga Māori.

7. We request that any:
  - (a) Legal submissions be provided no later than **4pm 26 May 2023**.
  - (b) Procedural issues or matters relating to conflicts of interest be raised, through the Hearing Administrator, no later than **4pm 25 May 2023**.
8. All other aspects of our Minutes 1 and 2 are unchanged and are to be read in conjunction with this Minute 3.

Communication and questions

9. Any enquiries regarding these Directions or related matters should be directed to Steph Skinner ([steph.skinner@mdc.govt.nz](mailto:steph.skinner@mdc.govt.nz)). No party is to directly contact any member of the Hearings Panel.



**Gina Sweetman**  
**Chairperson, on behalf of the Hearings Panel**  
20 April 2023

**Attachment – request from the Council**