

IN THE MATTER

of the Resource Management Act
1991

AND

PLAN CHANGE 64

to the Manawatu District Plan

**DIRECTIONS OF THE HEARINGS PANEL: PLAN CHANGE H(a) – HISTORIC HERITAGE
AND PLAN CHANGE H(b) – NOTABLE TREES**

Introduction and Appointment

1. You have received this Minute as you are either a submitter or a Council officer involved in either Plan Change H(a) – Historic Heritage (PCH) or Plan Change H(b) – Notable Trees
2. The Manawatu District Council (the Council) has appointed Independent Hearing Commissioners Gina Sweetman (Chair) and Alison Short pursuant to section 34A of the Resource Management Act 1991 (RMA), to hear and determine submissions to PCH(a) and (b).
3. The plan changes were notified for submissions on 17 November 2022. Submissions closed on 15 December 2022, and further submissions closed on 8 March 2023.
4. The general function of this Minute is to set out some preliminary matters in preparation for the hearing. It covers:
 - (a) The hearing date and venue
 - (b) Pre-provision of evidence
 - (c) Hearing process and presentations
 - (d) Site and locality visit
 - (e) Key issues identified by the Panel to date
 - (f) Communication and questions
5. It is likely that we will issue additional minutes with further requests and instructions, before, during and /or after the hearing.

Hearing date and venue

6. The hearing is scheduled for **Wednesday 7 June 2023** to be held at Manawatū District Council. The hearing will commence at 9am. Formal notice of the hearing, including details of the venue, will be issued by the Council in due course

Pre-provision of evidence

7. Section 41B of the RMA provides that the Hearings Panel may direct that certain evidence called by the applicant or submitters be provided to the Hearings Panel before the hearing. Section 42A of the RMA provides that the Hearings Panel may require a report on the matters to be considered be provided prior to the hearing.
8. We direct as follows:
 - (a) Pursuant to section 42A RMA, the section 42A report shall be made available on Council's web site by **4pm 23 May 2023**. The report is to be in .pdf and Word document format.
 - (b) 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 30 May 2023**. The evidence is to be in .pdf and Word document format.
 - (c) Pursuant to section 41B(3) and (4) RMA, the Council may provide a written reply in response to any submitter expert evidence no later than **4pm 2 June 2023**. The reply is to be in .pdf and Word document format.
 - (d) As soon as possible after any evidence received pursuant to the above Directions, the Council shall place the evidence on Council's website.
9. 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.
10. 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.
11. We request that any:
 - (a) Any legal submissions be provided no later than **4pm 2 June 2023**.
 - (b) Procedural issues or matters relating to conflicts of interest be raised, through the Hearing Administrator, no later than **4pm 31 May 2023**.

Hearing process and presentations

12. Appearing at a hearing may be a new experience for some submitters. Those who have not been involved in hearings under the RMA before may wish to look at the following guidance on the Ministry for the Environment website: <https://environment.govt.nz/publications/appearing-at-a-hearing-about-a-proposed-plan-or-resource-consent/>
13. Our preference is that the hearing is relatively formal. However, any hearing has an inherent degree of formality, and we outline how the hearing will be conducted below.
14. The key purpose of the hearing is to allow us to hear from and ask questions of the submitters and the Council, to help improve our understanding of what the key issues are that we need to consider and resolve.
15. Pursuant to section 41C(1) of the RMA, and in respect of evidence pre-circulated in accordance with these Directions, the hearing will be conducted in the following manner:
 - (a) The proceedings will begin with the Council providing an overview of PCH.
 - (b) Submitters will then present their case, supported by any expert witnesses they have engaged.
 - (c) The Council, including any expert witnesses, will then address the Hearings Panel, responding to any matters raised by the submitters.
 - (d) Where a party has provided the pre-circulated expert evidence, they are to call the witness in person, unless we provide prior notice to the party that this may not be necessary;
 - (e) The witness should proceed on the basis that pre-circulated evidence has been read in advance, however, may speak to the evidence or a written summary; and
 - (f) We may then question the witness. There is no ability for any other party to question a witness. Only the Hearings Panel can ask questions.
16. The purpose of these Directions is to provide the opportunity for all parties to the hearing to consider any technical evidence in advance of the hearing to assist all parties in understanding that evidence.
17. The Directions do not apply to evidence to be presented by submitters who are “non-experts”, or persons who do not provide expert evidence at these types of proceedings. They will have the opportunity to present written or oral evidence at the hearing in the normal manner. They do not need to pre-circulate their own statements or representations before the hearing commences.
18. Generally, parties should target their presentations to approximately 15 minutes. This is not a set time, and all parties appearing will be given sufficient time to present their case. Parties will be contacted by the Hearing Administrator in advance of the hearing to schedule in when they will be appearing and how much time they need to present.

Site and locality visit

19. We will visit relevant properties either before or on the day of the hearing. If any party has a desire for us to visit a particular site, they should advise Ash Garstang (ash.garstang@mdc.govt.nz) no later than **4pm 31 May 2023**.

Communication and questions

20. Any enquiries regarding these Directions or related matters should be directed to Ash Garstang (ash.garstang@mdc.govt.nz). No party is to directly contact any member of the Hearings Panel.



Gina Sweetman
Chairperson, on behalf of the Hearings Panel
3 May 2023