

**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 2 OF THE HEARING PANEL APPOINTED BY MANAWATŪ DISTRICT COUNCIL**

### Expert conferencing and pre-hearing meetings

1. In our first Minute, we requested that Te Kapiti Trust (the Requestor) reported back to the Hearing Panel by 25 March 2023 on three matters, as set out in paragraph 21 of Minute 1. We received a memorandum from the Requestor on 24 March 2023. We thank the Requestor for their timely and helpful response.
2. Having reviewed the memorandum, we now request that the following occur in advance of the hearing commencing:
  - (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 Wednesday 19<sup>th</sup> April 2023**.
  - (b) Following receipt of the stormwater experts' JWS, the Requestor's and the Manawatū 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 Monday 1<sup>st</sup> May 2023**.
  - (c) 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 Wednesday 19<sup>th</sup> 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?
- 3. The Requestor and Council’s expert planners may wish to undertake expert conferencing on receipt of the Council’s legal advice as per 2(c). We have not requested this to occur, but both parties should consider the usefulness of it occurring either prior to the s42A report being released or prior to the hearing itself.
- 4. We have requested the matters in 2 (a) to (c) so that the Council’s s42A report author will be able to proactively address these through his report, and better assist the Panel in our consideration. Our expectation is that the matters relating to stormwater will largely have been addressed prior to the hearing and that the evaluation against the NPS-HPL will be more focused.
- 5. Any expert conferencing is 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/>
- 6. We encourage the Requestor to continue to engage with the iwi and hapū whose rohe the area is located in prior to the hearing and to provide an update either through evidence or at the hearing.
- 7. The Panel may still choose to obtain its own legal advice through the process.

Communication and questions

- 8. 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**  
28 March 2023