

IN THE MATTER

of the Resource Management Act
1991

AND

PLAN CHANGE I

to the Manawatū District Plan

DIRECTIONS OF THE COMMISSIONER: PLAN CHANGE I – MINOR AMENDMENTS

Introduction and Appointment

1. You have received this Minute as you are either a submitter or a Council officer involved in Plan Change I – Minor Amendments.
2. The Manawatū District Council (the Council) has appointed Independent Hearing Commissioner Gina Sweetman pursuant to section 34A of the Resource Management Act 1991 (RMA), to hear and determine submissions to PCI.
3. The plan change was notified for submissions on 17 October 2024 and further submissions opened on 5 December 2024.
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) Communication and questions
5. I may 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 **Friday 28 February 2025** to be held online only. The hearing will commence at 9am. Formal notice of the hearing, including details of the online details, will be issued by the Council in due course.

Pre-provision of evidence

7. Section 41B of the RMA provides that a commissioner may direct that certain evidence called by the applicant or submitters be provided to the commissioner before the hearing. Section 42A of the RMA provides that a commissioner may require a report on the matters to be considered be provided prior to the hearing.
8. I direct as follows:
 - (a) Pursuant to section 42A RMA, the section 42A report shall be made available on Council's web site by **4pm 14 February 2025**. 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 21 February 2025**. The evidence is to be in .pdf and Word document format.
 - (c) 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 my leave 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. I may not accept expert evidence that is received outside of the set timeframes, unless I grant leave.
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. I request that any:
 - (a) Any legal submissions be provided no later than **4pm 25 February 2025**.
 - (b) Procedural issues or matters relating to conflicts of interest be raised, through the Hearing Administrator, no later than **4pm 18 February 2025**.

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. My preference is that the hearing is relatively informal. However, any hearing has an inherent degree of formality, and I outline how the hearing will be conducted below.

14. The key purpose of the hearing is to allow me to hear from and ask questions of the submitters and the Council, to help improve my understanding of what the key issues are that I 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 PCI;
 - (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 me, 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 I 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) I may then question the witness. There is no ability for any other party to question a witness. Only I 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.
19. Should any party wish to speak in Te Reo, utilise Sign Language, or utilise visual aids (PowerPoint, etc) they are requested to liaise directly with the Hearings Administrator, as soon as possible, but prior to **4pm Wednesday 19 February 2025** regarding their needs.

Communication and questions

20. Any enquiries regarding these Directions or related matters should be directed to Steph Skinner (steph.skinner@mdc.govt.nz). No party is to contact me directly.

A handwritten signature in blue ink, appearing to read "Gina Sweetman", with a small dot at the end of the line.

Gina Sweetman
Commissioner
29 January 2025