
BEFORE THE MANAWATU DISTRICT COUNCIL

IN THE MATTER of a review of the Manawatu District
Plan

AND

IN THE MATTER of Plan Change 52, 55 and 60

MINUTE NO. 1 - HOUSEKEEPING

Dated: 2 November 2016

- [1] This Minute addresses management of the hearing of submissions on Plan Changes 52, 55 and 60 to the Manawatu District Plan. It is directed at Council reporting planners and submitters to assist with logistics for the hearing that will commence on 5 December 2016.
- [2] The Commissioners will be:
- (a) John Maassen (Chair);
 - (b) Howard Voss; and
 - (c) Shane Casey.
- [3] We have delegated authority to hear and determine submissions on the plan changes.
- [4] There will be no directions under RMA, s 41B as the scale and extent of matters in dispute does not warrant special directions for the exchange of expert evidence. However, this Minute explains process and options for participants to enable an efficient hearing. It contains some directions under s 41C.

- [5] Assisting us with administration is Allie Dunn whose email is allie.dunn@mdc.govt.nz. Any matters involving the plan changes and process should be directed to her in the first instance.
- [6] The plan changes will be heard together but there will be separate decisions on each to recognise the fact that they are separate plan changes with their own reason for existence and supporting Section 32 analysis. The reason for a composite hearing is that there are submitters common to all plan changes and it would be inexpedient for them to have to attend on multiple days allocated to separate plan changes. Allie Dunn will send out a timetable for the hearing for consultation to assist submitters with planning.
- [7] At the start of the hearing, the Council reporting planners will briefly speak to their reports and then we will move to submitters. These Section 42A reports must be circulated in accordance with the five working day requirement. I understand that MDC hopes to make them available earlier. MDC planners will have a short time after the close of hearing to make a written reply because they need time to document any changes to provisions they recommend in light of what they hear during the hearing.
- [8] The Section 42A reports will be published on the Council's website and can be found in the agenda section of the Council's website and at the particular part of the Council's website addressing these plan changes. Allie 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 have a need for a physical copy then you should advise Allie Dunn as soon as possible.
- [9] We will have read all of the submissions prior to the hearing so they will be taken as read. Any evidence need not be pre-circulated, but if it is it should be forwarded to Allie Dunn and provided it is supplied 48 hours prior to the hearing to the Commissioners electronically, then submitters can assume it will be taken as read if the submitter wants us to. We are equally content to receive the evidence at the hearing and have it read to us.
- [10] 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 course of the hearing. Our strong preference is that any evidence not previously circulated is also in an electronic format so that it can be easily used by the hearing panel and the Council.

- [11] Plan change hearings are inevitably provision focussed. This is particularly so when one plan change addresses district wide rules. We have requested that the provisions in dispute for each plan change be identified in spread sheet form and available for projection on the hearing room screens to enable meaningful discussion when the hearing turns to discussion as to a disputed provision. To that end, we ask the Council officers to identify each disputed provision with a number sequence (commencing with 1) using the top down formula i.e. starts with objectives and ends with methods. This saves referencing the provisions according to the District Plan referencing structure. Although the District Plan references should also be noted when the provision is quoted and in the same column.
- [12] In a plan change journey there is at least the following versions of the plan change presented as a package to consider. The key ones are underlined:
- (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 in accordance with 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
 - (d) PC(C) = the plan change provisions as determined by the hearing panel in its decision.
- [13] This terminology might be useful for participants and we will certainly use it in our decision. It helps to know exactly what particular version is being talked about.
- [14] We have asked that PC(R1) include only 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 in

yellow. Similarly, PC(R2) should have some method of tracking further changes as a result of the hearing that are recommended by the Council's reporting planner.

- [15] It would be useful for submitters to similarly note any changes to PC(R1) that they recommend using a similar format if they have sufficient time between receipt of PC(R1) and the hearing. If not, at least using the same numbering version for the provision in dispute as that used by the reporting planner will be useful.
- [16] While there are matters of dispute regarding the wording of objectives and policies, the matters relating to these plan changes are very much at the district level involving managing land resources. Possibly, the most significant issue for submitters is how the rules and methods end up as the implementing regulation of those objectives and policies. We would be assisted therefore if submitters paid attention to how the rules and methods should change and then why the objectives and policies should change in order to ensure that the cascade of rules implementing policies that achieve objectives is maintained. This is somewhat different from the top down approach, but it is sometimes useful to invert the problem by addressing the bottom up to enable a sense of scale on the issues. This is an invitation not a direction and submitters are entitled to present their case as they wish.
- [17] We will issue a decision that includes a spread sheet containing our decision on provisions. That will be PC(C). Our spread sheet will identify in tabular form the items listed in table 1 below, but will also in the body of the decision narratively record the decision on the key matters in dispute and our assessment.

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

[18] We have requested the following additional visual information to assist with the conduct of the hearing:

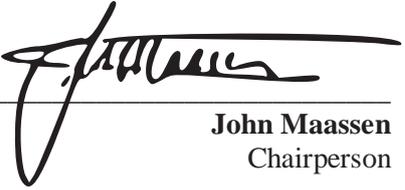
- (a) A2 or A3 of the existing and proposed Kawakawa Industrial Area in an aerial overlay;
- (b) The extent of the lateral spread overlay;
- (c) The existing structure plan aerial and any proposed structure plan additions, distinguishing between the two; and
- (d) Current flood channel zones and current 0.5% AEP modelled flooding by Horizons Regional Council.

[19] The GIS team can decide what layers can be incorporated in individual maps without creating confusion. The point is that we want to understand exactly what is changing, where and how with decent sized maps.

[20] These visual items will be available on that part of the Council's website relating to the plan changes.

[21] At this stage, we only see the need for a site visit of the existing and proposed Kawakawa industrial area and we will make that site visit during the hearing week when an opportunity arises.

[22] We will conduct hearings between 9:00am and 4:30pm, with breaks at 11:30am, 1:00 – 2:00pm and 3:15pm.



John Maassen
Chairperson