

## **Minute #4 of Independent Commissioner DIRECTION ON AMENDED HEARING & EVIDENCE CIRCULATION**

### **1. Introduction**

I have been appointed by the Rangitikei District Council as an Independent Hearing Commissioner to hear submissions and make a determination on the proposed plan change to rezone approximately 217 hectares of land to the southeast of Marton from Rural to Industrial.

This minute confirms the new dates for the hearing, the venue, the revised timeline for the circulation of evidence prior to the hearing, where to view evidence, an outline of the conduct of the hearing, and information about hearings.

### **2. Hearing details**

The hearing has been rescheduled as follows:

<b>Hearing details</b>	
<b>Location:</b>	Council Chambers Rangitikei District Council Offices 46 High Street Marton
<b>Date:</b>	Wednesday 17 June 2020 Thursday 18 June 2020 Friday 19 June 2020 (if required)
<b>Time:</b>	9.00am start

### **3. Submission of Expert Evidence**

The 2015 Amendment to the Resource Management Act (RMA) set out revised procedures for the pre-exchange of evidence before a hearing (section 103B). These procedures are now a requirement for the exchange of all expert evidence to be presented at hearings.

The following is the revised timeline for the submission of evidence:

#### ***Council report and supplementary evidence***

In accordance with s103B(2) of the RMA, a copy of the Council's evaluation report prepared by the Council's planning adviser was provided to all parties on Friday 6 March 2020.

The Council is to circulate any supplementary evidence on or before 5pm Tuesday 2 June 2020.

### ***Submitters' evidence***

A person who has made a submission and who is intending to call expert evidence must provide briefs of this evidence to the Council at least 5 working days before the hearing (RMA section 103B(4)): this would be no later than 5pm Tuesday 9 June 2020.

Non-expert evidence (including submitter lay evidence and any legal submissions) should be tabled and read aloud on the day that the relevant party appears at the hearing.

## **4. Viewing Evidence**

In addition to the electronic circulation of information, the Council is required (RMA section 103B(5)) to make all briefs of evidence available at its offices as follows:

- any evidence/reports prepared for the Council, to any person who made a submission and stated a wish to be heard, and
- any submitter's evidence, to any other person who made a submission.

To meet this requirement, a copy of the Council planner's evaluation report and of any expert evidence provided by submitters will be made available at the Rangitikei District Council offices from the dates set out above. The Council will give written or electronic notice that evidence is available at its office to each person to whom the evidence is to be made available (section 103B(6)).

## **5. The Hearing**

Under the RMA, a hearing is a formal semi-judicial process, but will be conducted as informally as possible, consistent with the procedures specified in the Act. All parties will have a fair and reasonable opportunity to present their submissions.

Pursuant to s41C(1) of the RMA, the hearing of expert evidence will be conducted in the following manner:

- I will take the section 42A report and all pre-circulated evidence as read – there will be no need for persons to read out pre-circulated information
- Experts will be given an opportunity to draw to my attention the key points in their evidence: this includes the Council's evaluating planner at the beginning of the hearing.
- No new evidence shall be introduced, unless it is specifically in response to matters raised in other pre-circulated briefs of evidence supplied by another party – in such cases, the new evidence shall be presented in written form as an addendum to the primary brief of evidence and it may be verbally presented by the witness, and
- I may then question the witness – there is no cross-examination by other parties.

At the hearing, following introductory comments by the Council's reporting planner, the submitters will have an opportunity to talk to their submission. The Council will then have the right-of-reply, which may be given at the hearing or, if it needs to be written, be circulated following the hearing.

During the hearing itself, I wish to avoid repetition of common issues raised by submitters and therefore encourage submitters to present together in support of each other's submissions where there are common issues.

A draft timetable for the hearing is attached to this minute.

In relation to the current Covid-19 situation, the District Council will make a plan for conducting the hearing that complies with the Government's Level 2 directions: these may well ease prior to that date. Depending on distancing and gathering requirements at the time, at this stage, it may involve

use of the Council Chamber, combined with the use of the adjacent meeting room, to which the hearing could be live-streamed to provide the ability for submitters to observe remotely. The District Council will issue procedures closer to the date of the hearing.

## **6. Information on Hearings**

A useful guide to the conduct of plan change hearings can be found at:

<https://www.mfe.govt.nz/publications/rma/everyday-guide-rma-appearing-council-plan-or-plan-change-hearing>.

## **7. Site visit**

I undertook a site visit on Tuesday 3<sup>rd</sup> March 2020. I may undertake a further site visit during or after the hearing should it appear necessary.

## **8. Enquiries or Correspondence**

Any enquiries or correspondence on the hearing should be directed through Charlie Hopkins via –

[charlie@thecatalystgroup.co.nz](mailto:charlie@thecatalystgroup.co.nz)



**Robert Schofield**  
Independent Commissioner

Dated this 21<sup>st</sup> May 2020

Draft schedule for Rangitikei plan change hearing. Send comment to 'charlie@thecatalystgroup.co.nz'

<b>Wednesday 17 June 2020</b>	
0900	Commissioner opens hearing (15 min)
0915	Mayor Andrew Watson (60 min)
1015	Kiwirail and NZTA calling one planner each (Rebecca Beals and Natasha Reid) and one roading engineer (1hr 30 min)
1145	Horizons (15 min)
1200	Lunch (60 min)
1300	Submitter IROMAR with counsel (60 min)
1400	Break (15 min)
1415	Submitter Fraser Auret with counsel (60 min)
1515	Break (15 min)
1530	Submitter Walsh with legal and planning (60 min)
1630	30 min slack time
1700	END
<b>Thursday 18 June 2020</b>	
0900	Submitters David and Joy Dean (15)
0915	Submitters William and Carol Sinclair (15)
0930	Submitter Kathleen Reardon (15)
0945	Submitter Jenni Anderson (15)
1000	Submitter Robert Snijders (15)
1015	Submitter Randal McIlwaine (15)
1030	Break
1045	Submitter Gretta Mills (15)
1100	Submitter Robert Gunn (15)
1115	Submitter NZbioforestry (15)
1130	Counsel Nick Jessen on behalf of Council (60)
1230	Lunch
1330	Reporting officer Greg Carlyon (60)
1430	Break (15)
1445	2.25 hours slack time
1700	END
<b>Friday 19 June 2020</b>	
Tbc	Tbc