

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** Proposed Plan Change 22 to the Horowhenua District Plan -  
Outstanding Natural Landscapes and Features

**LOCAL AUTHORITY** **HOROWHENUA DISTRICT COUNCIL**

**MEMORANDUM OF COMMISSIONERS DEAN CHRYSTAL AND JULIA WILLIAMS RELATING TO  
PRELIMINARY AND PROCEDURAL MATTERS**

- 1 The Horowhenua District Council has pursuant to section 34A of the Resource Management Act 1991 (RMA), appointed us as Independent Commissioners to hear and make decisions on Proposed Plan Change 22 to the Horowhenua District Plan which deals with Outstanding Natural Landscapes and Features within the district.
- 2 The purpose of this memorandum is to address some preliminary and procedural matters to enable the orderly and efficient running of the hearing of submissions.

**Dates of hearing**

- 3 The hearing will commence on **Monday November 14<sup>th</sup> at 2.00pm** and is schedule at this stage to conclude on **Thursday November 17<sup>th</sup>**.

**Venue of hearing**

- 4 The hearing will be held in the Council Chambers at the Horowhenua District Council Offices, 126-148 Oxford Street, Levin.

**Hearing Times**

- 5 The hearing will be held during the day starting at 9am each day apart from the first day of the hearing which will start at 2pm. There will be two night sessions from 6pm to 8pm provided should submitters wish to present during these times.

Monday 14<sup>th</sup> November 2pm – 5pm, 6pm - 8pm

Tuesday 15<sup>th</sup> November 9am – 5pm, 6pm - 8 pm

Wednesday 16<sup>th</sup> November 9am – 4pm

Thursday 17<sup>th</sup> November 9am – 5pm

**Pre-provision of evidence**

- 6 Given the nature of the Plan Change and the potential complexity of the issues involved, it is considered that the pre-provision of expert evidence will produce the following benefits:

- 6.1 Reduce the length and potential cost of the hearing itself by reducing the need to have all evidence read and helping to focus attention on matters in contention and conflicting opinions;
- 6.2 Help us to better prepare for the hearing and assume a more inquisitorial role;
- 6.3 Enable the reporting officers to consider the evidence of expert witnesses before the hearing and to seek further opinion from other staff if necessary.

**Note: Expert evidence is considered to be evidence from independently qualified persons such as landscape architects, ecologists and planners.**

7 For the above reasons, pursuant to section 41B of the Resource Management Act 1991, **we direct that evidence be pre-provided** in accordance with the following timetable:

- (a) The Council will circulate the section 42A Officers' Reports to all the parties by no later than **Thursday 13<sup>th</sup> October 2011**, being 20 working days before the hearing;
- (b) **Any person who has made a submission** and is intending to call **expert evidence** must provide briefs of evidence (hard copy of all evidence and electronic copy of written evidence) by no later than **Monday 31<sup>st</sup> October 2011**, being 10 working days before the hearing. Briefs of evidence are to be addressed and posted to

Attention: Project Manager (District Plan Review)  
Horowhenua District Council  
Private Bag 4002  
Levin 5540

and emailed to:

districtplan@horowhenua.govt.nz

**Note: Submitters who do not intend to call expert witnesses do not have to comply with this timeframe and will be able to present their own evidence at the hearing.**

### **Presentation and Timetable for Appearance of Submitters**

- 8 The hearing is likely to involve many submitters speaking about similar topics. If your submission is similar to others, you may choose to work as a group, and appoint a spokesperson, while making it clear that he/she speaks on behalf of a number of individuals rather than an organised group. Alternatively you may use an advocate (a spokesperson) if you're nervous about speaking to a submission, or if a group is making a submission and wants one person to speak for you all. The advocate could be a member of your group.
- 9 We request that any person who has made a submission and wishes to be heard contact Eva Watson on or before **31<sup>st</sup> October 2011** at [evaw@horowhenua.govt.nz](mailto:evaw@horowhenua.govt.nz) or phone: (06) 366 0929 and indicate:
  - (a) Your preference as to the day and time (morning, afternoon or evening) you would like to be heard; and
  - (b) The length of time you need to present your submission.

- 10 Once this information has been received, a timetable for the hearing will be circulated to all submitters.
- 11 While all parties are to use their best endeavours to comply with this timetable to ensure the orderly and efficient running of the hearing, we note that times may vary and are subject to change on our direction.
- 12 Although you will be allocated a certain time to present your submission, we wish to make it clear that the hearing process is open to the public and members of the public and submitters are welcome to attend at any time.

**Concerns with procedure**

- 13 If there are any issues with the procedures outlined in this memorandum, we ask that you please set out your concerns in writing to David McCorkindale at [davidbm@horowhenua.govt.nz](mailto:davidbm@horowhenua.govt.nz) or C/- Horowhenua District Council, Private Bag 4002 Levin 5540 by no later than **11<sup>th</sup> October 2011**. Any concerns will be passed on to us for consideration and further determination if required.



Dean Chrystal  
Hearings Commissioner



Julia Williams  
Hearings Commissioner

29<sup>th</sup> September 2011