

**HOROWHENUA DISTRICT COUNCIL**  
**PROPOSED PLAN CHANGE 4: TARA-IKA GROWTH AREA**  
**REZONING TO GREENBELT RESIDENTIAL ZONING AREA**  
**MINUTE 1 OF INDEPENDENT HEARING PANEL**

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**Introduction**

1. This Minute is being sent to you because you are either a submitter or a Council reporting officer to the above Plan change.
2. Pursuant to section 34A of the Resource Management Act 1991 (**RMA**) we have been appointed by Horowhenua District Council (**HDC**) to hear, consider, and make a decision on proposed Plan Change 4 (**PC4**) to the Operative Horowhenua District Plan (**the District Plan**). PC4 is a Council initiated Plan change to rezone over 420ha of land located to the east of Levin (**the site**) from Greenbelt Residential (Deferred) to a range of residential and urban zonings to allow for residential development and associated non-residential development (e.g. supportive commercial activities). The rezoning would enable approximately 2,500 dwellings, a commercial centre, public parks/reserves and potentially a primary school.
3. Proposed PC4 seeks the following amendments to the District Plan:
  - a. Remove Structure Plan 13 from the District Plan.
  - b. Introduce a new 'Taraika Multi-Zone Precinct' Chapter to the District Plan with a supporting structure plan and associated objectives, policies, and rules.
  - c. Rezone land within the Taraika Master Plan Area from Greenbelt Residential Deferred to Greenbelt Residential, Low Density Residential, Standard Residential, Medium Density Residential, Commercial and Open Space.
  - d. Introduce new subdivision rules within the Taraika Growth Area.
  - e. Introduce some new bulk and location rules within the Taraika Growth Area.
  - f. Introduce new rules on commercial activities within the Taraika Growth Area.
  - g. Update Planning Maps 7-8 and 30-33.
4. The general function of this Minute is to set out some preliminary matters in preparation for the hearing, which is likely to be held in **mid-August 2021**. All parties will be formally advised directly by the HDC Hearing Administrator of the final hearing date(s) and venue once that is known with certainty.
5. In the meantime, our objective at this preliminary stage is to establish some procedures to facilitate a smooth and effective pre-hearing and hearing process for all parties. This requires some actions from all the parties in readiness for the formal proceedings.
6. In this respect, this minute covers the following matters:
  - (a) Relevant issues/pre-hearing discussions/expert conferencing;
  - (b) circulation of evidence;
  - (c) hearing process and presentations; and
  - (d) site and locality visits.
7. It is likely that we will issue additional minutes with further requests and instructions, before, during and/or after the hearing.

## Relevant Issues/Pre-hearing discussions/Expert conferencing

8. With most hearings of this nature, all parties (submitters and s42A reporting officers) are encouraged to engage in constructive discussions where practicable before the hearing commences so as to minimise the range of issues in contention. This may occur through pre-hearing meetings, expert witness conferencing, or other informal exchanges – and all are welcome.
9. Without wanting to prejudge any issues prior to the hearing, it is apparent from our preliminary review of submissions and further submissions that have been lodged that the following matters are relevant and may be worthy of discussion between the parties prior to the hearing commencement:
  - a. Otaki to north of Levin (O2NL)
    - Request by Waka Kotahi for the O2NL corridor to be protected by way of either downzoning the length of the corridor within Tara-Ika (to Rural or low density residential), introducing a special purpose zone (for transport purposes) to prevent housing from being built, or by staging parts of the Plan Change area so they occur after O2NL is built.
    - Comments from several submitters regarding the requirement for good integration between O2NL and Tara-Ika
  - b. Zoning/Density
    - Request from several submitters to change the proposed Greenbelt Residential and Low Density Residential Areas to standard density zoning in order to provide for growth/give effect to the NPS-UD and PNPS-HPL; and
    - Alternate views from other submitters requesting that the proposed Greenbelt Residential and Low Density Residential Areas be retained in order to protect established character/amenity.
  - c. Stormwater/Servicing
    - Can stormwater be managed individually onsite, with a community attenuation area within the O2NL highway corridor only required in emergency events; or
    - Is there a need to investigate alternative solutions to joint stormwater solution for Tara-Ika and O2NL
    - Siting and management of stormwater attenuation areas
    - Cultural effects of stormwater management
    - Mechanical aspects of 3 Waters servicing plan including sizing of pipes, timing of construction, and capacity in the network/water availability.
  - d. Transport Matters
    - Future 'Liverpool Street extension'.
    - Location and classification of roads shown on the Structure Plan.
    - Proposed Strategic Cycleways and if/how these should be delivered.
  - e. Cultural Matters
    - Various topics of interest to iwi and a desire for hui on these ahead of the hearing
10. We are not formally directing the undertaking of, or participation in, formal pre-hearing meetings, discussions or expert conferencing at this stage. We do, however, encourage pre-hearing liaison and extend that encouragement to any

parties prior to the commencement of the hearing. This may include general liaison amongst the parties:

- (a) to discuss any procedural or substantive matters (including those referred to in paragraph 9 above);
  - (b) for submitters to gain a better understanding of what the proposal entails and what the effects and implications may be; and
  - (c) for the Council s42A reporting officers, to better understand what the submitters' concerns are and how they might be accommodated.
11. In order to facilitate this, we would suggest that, prior to the hearing, the Council endeavour to meet with submitters to discuss issues raised in submissions and resolve any issues where practicable<sup>1</sup>. We understand from the Council s42a reporting officer that there have in fact been ongoing discussions between the Council and some submitters. We fully support this and encourage its continuation with all submitters.
12. It may be that, where issues remain unresolved following any pre-hearing meeting(s), some parties may seek to engage experts. If so, then expert witness conferencing on such matters and the subsequent preparation of joint witness statements confirming the experts' respective areas of agreement and disagreement may prove to be of benefit.
13. The discussions and/or pre-hearing meetings referred to in paragraph 10 above are likely to assist in informing the focus and scope of any such expert conferencing, and so that should be considered a priority by the Council. To provide time for any subsequent expert conference and pre-circulation of evidence to occur prior to the hearing, we suggest that discussions and/or pre-hearing meetings are facilitated and concluded **by 11 June 2021 at the latest**. We request that the Council prepare a report to the Council hearing administrator on the state of play at that point.
14. In the event that discussions and pre-hearing meetings do confirm that expert conferencing would be of benefit, then we will issue specific directions to that effect. These would include directions:
- (a) obliging the Council reporting officers and any submitters intending to call expert witnesses at the hearing to advise the HDC hearing administrator by a specific date, including the name and area of expertise of each witness they intend to call;
  - (b) asking those parties to indicate at the same time whether they will make their respective expert(s) available for conferencing with other experts, and if not, the reasons why;
  - (c) obliging the Council to assume responsibility for co-ordinating any conferencing between their experts and those for submitters; and
  - (d) requiring any conferencing that is undertaken to be completed no later than a specific date so that the witness statements can feed into the pre-hearing timetable for circulation of evidence.
15. We will remain in contact with the HDC Hearing Administrator, and will keep all parties informed through additional minutes as necessary.

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<sup>1</sup> These meetings may be of an informal nature, and/or through formal pre-hearing meetings coordinated by HDC pursuant to s99 of the RMA.

## **Circulation of evidence before hearing**

16. Pursuant to Sections 41B and 42A of the RMA we direct that evidence be pre-circulated in accordance with the following timeframes as set out in the Act:
  - (a) the Section 42A Report called by HDC will be made available a minimum of 10 full working days prior to the start of the hearing;
  - (b) any expert evidence called by submitters must be made available at least 5 full working days before the start of the hearing.
17. We will follow this up with actual dates for the above listed pre-circulations once the specific August hearing dates are confirmed by the HDC hearing administrator. This information will either be emailed to parties or made available on the HDC website [here](#). Further detail to this end will be clarified to all parties in due course.
18. To be clear, submitters do not need to pre-circulate any non-expert presentation material they wish to speak to at the hearing. The above circulation requirements only apply to any expert evidence submitters wish to call. Expert evidence is considered to be evidence from independently qualified persons such as landscape architects, ecologists and planners. For any questions of clarification about professional expertise and the code of conduct for expert witnesses, please contact the HDC Hearing Administrator in the first instance.
19. Any legal submissions by counsel for the parties can be made at the hearing and are not subject to pre-circulation.

## **Hearing process and presentations**

20. We anticipate that a hearing of this nature may be a new experience for some submitters, so we will take a brief moment here to provide some information about the hearing for context.
21. For starters, we encourage all submitters to refer to the useful guides about the hearing process and hearings available from the Ministry for the Environment website. The link below, in particular, is a great source of information:  
  
<https://environment.govt.nz/publications/appearing-at-a-hearing-about-a-proposed-plan-or-resource-consent/>
22. Consistent with the above guide, our preference is for proceedings to be relatively informal. However, a degree of formality is inherent in hearings of this nature, and we will speak to that at the outset of the hearing when it commences.
23. More substantively, the hearing enables us to hear the issues raised in submissions in greater detail, and to be able to ask questions to improve our understanding of those issues.
24. As a rule of thumb, parties should target presentations of 15 minutes or so. This is less a rigid requirement than it is a rough indication, and all parties appearing will be given sufficient time to present their views.
25. Once the actual hearing date has been formally confirmed by the HDC Hearing Administrator, we will request an indication from all parties as to the amount of time

they require for their presentation so that the HDC administrator can make the necessary arrangements.

### **Site and locality visits**

26. We are generally familiar with the site and general locality.
27. We expect that we will need to undertake more detailed site and locality visits before (if possible) and after the hearing. In that respect, if any party has a desire for us to visit particular sites/localities they should advise the HDC hearing administrator.

### **Next steps**

28. As summarised above we now suggest that the Council endeavours to continue to engage with submitters to discuss issues raised in submissions and resolve any issues, where practical. A report on the state of play to be prepared by the Proponent/Council is requested **by 11 June 2021 at the latest**. Certainly, the prospect of parties fielding expert evidence should be a matter for discussion during this engagement. We will then issue any directions, as required, relating to expert conferencing and the pre-circulation of evidence.
29. We also request that any party wishing us to visit a particular site or locality advise the HDC hearing administrator by **11 June 2021**.
30. The HDC hearing administrator is Aroha Parker and can be reached at [Arohapa@horowhenua.govt.nz](mailto:Arohapa@horowhenua.govt.nz)

**DATED** this 10<sup>th</sup> day of May 2021



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Dean Chrystal  
Chair - Independent Hearings Panel

For and on behalf of:  
Commissioner D. Chrystal  
Commissioner J Mason (Horowhenua District Council Hearings Committee  
Chairperson)  
Commissioner DJ McMahon