

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF The Proposed Horowhenua District Plan

LOCAL AUTHORITY **HOROWHENUA DISTRICT COUNCIL**

MINUTE 1

MEMORANDUM OF COMMISSIONER DEAN CHRYSTAL RELATING TO PRELIMINARY AND PROCEDURAL MATTERS

- 1 The Horowhenua District Council has pursuant to section 34A of the Resource Management Act 1991 (RMA), appointed four Independent Commissioners and four District Councillors to hear and make decisions on Proposed District Plan.
- 2 The purpose of this memorandum is to address the pre circulation of evidence prior to certain hearings.

Pre-provision of evidence

- 3 Given the nature of certain hearings (listed below) and the potential complexity of the issues involved, it is considered that the pre-provision of expert evidence will produce the following benefits:
 - 3.1 Reduce the length and potential cost of the hearing itself by reducing the need to have all evidence read and help to focus attention on matters in contention and conflicting opinions;
 - 3.2 Help the Commissioners to better prepare for the hearing and assume a more inquisitorial role;
 - 3.3 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.

- 4 For the above reasons, pursuant to section 41B of the Resource Management Act 1991, it is **directed that evidence be pre-provided** for in accordance with the following timetable:

Hearing - Open Space Zone/Access to Water Bodies, Water and Surface of Water, 10th – 12th April

The Council will circulate the section 42A Officers' Reports to all the parties by no later than **Monday 18th March 2013**, being 15 full working days before the hearing;

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 **Tuesday 2nd April 2013**, allowing 5 full working days before the hearing.

Hearing - Natural Hazards, 15th – 16th April

The Council will circulate the section 42A Officers' Reports to all the parties by no later than **Thursday 21st March 2013**, being 15 full working days before the hearing;

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 **Friday 5th April 2013**, allowing 5 full working days before the hearing.

Hearing - Utilities & Energy, 6th – 7th May

The Council will circulate the section 42A Officers' Reports to all the parties by no later than **Thursday 11th April 2013**, being 15 full working days before the hearing;

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 **Friday 26th April 2013**, allowing 5 full working days before the hearing.

Hearing – Rural, 13th – 16th May

The Council will circulate the section 42A Officers' Reports to all the parties by no later than **Thursday 18th April 2013**, being 15 working days before the hearing;

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 **Friday 3rd May 2013**, being allowing 5 full 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.

Concerns with procedure

- 5 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 or C/- Horowhenua District Council, Private Bag 4002 Levin 5540 by no later than **20th March 2013**. Any concerns will be passed on to us for consideration and further determination if required.



Dean Chrystal
Hearings Commissioner

8th March 2013