

BEFORE THE MANAWATŪ DISTRICT COUNCIL

IN THE MATTER OF

Resource Consent application for a 16 lot fee simple subdivision and land use consent at 443 Makino Road, Feilding.

APPLICANT

Clinton Brown

**1ST MINUTE OF HEARINGS PANEL - HEARING PROCEDURES AND
COMMISSIONER DIRECTIONS
DATED 6 January 2020**

Minute of Hearings Panel #1
Clinton Brown Application
SB9144 and LC9145

Hearing

1. The hearing to consider and decide the resource consent application set out above will be held on Monday 10th February 2020, commencing at 10.30am in Council Chambers, Manawatū District Council, 135 Manchester Street, Feilding.

Hearings Panel

2. Gina Sweetman (chair), Nigel Mark-Brown and Shane Casey have been appointed by Manawatū District Council to hear and determine this application.

Exchange of evidence

3. We hereby direct the following pre-circulation of evidence in advance of the hearing commencing:

Council evidence

A copy of the planning officer's recommendation report and any expert evidence prepared by Council officers must be provided to the applicant and submitters 15 working days before the hearing (section 103B(2) of the Act). This would be no later than 16 January 2020.

Applicant's evidence

A copy of the applicant's evidence must be provided to the Council 10 working days before the hearing (section 103B(3)). This would be no later than 4pm 23 January 2020.

Submitters' evidence

Any person who has made a submission and who is intending to call expert evidence must provide briefs of this expert evidence to the Council and the applicant at least 5 working days before the hearing (section 103B(4)). This would be no later than 30 January 2020.

4. In terms of the above, the reports and evidence should be provided to Manawatū District Council electronically by email. Hard copies of the evidence should only be provided on request.

Viewing evidence

5. To meet this requirement, a copy of the Council planner's recommendation report and any associated expert reports, the applicant's evidence and any expert evidence provided by submitters will be made available at the Manawatū District Council offices at the timeframes set out above.

Hearing Procedure

6. A useful guide to the conduct of hearings can be found at:
<http://www.mfe.govt.nz/publications/rma/everyday-guide-rma-appearing-council-resource-consent-hearing>.
7. Pursuant to s41C(1) of the RMA, we direct that in respect of expert evidence pre-circulated in accordance with these Directions, the hearing will be conducted in the following manner:
 - The section 42A report(s) and all pre-circulated evidence will be taken as read;
 - The applicant or submitter that have provided the pre-circulated evidence is to call the witness in person;
 - The witness should be introduced and asked to confirm his or her qualifications and experience;
 - The witness should be asked to confirm the matters of fact and opinion contained in the brief of evidence;
 - The witness will then be given an opportunity to draw to our attention the key points in the brief. 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. If there is any variation between what the witness says and what is in the brief of evidence, we will assume that the written brief is the evidence unless the content of the brief is specifically amended by the witness;
 - We may then question the witness.
8. Non-expert evidence (including submitter lay evidence and legal submissions) should be tabled and read aloud on the day of the hearing.

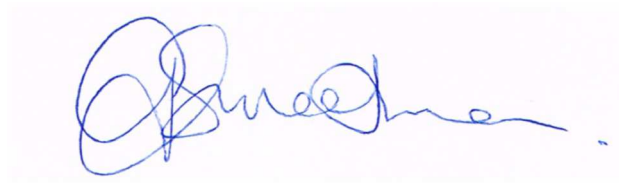
9. If any party has a question they would like us to ask any of the hearing participants, they should provide these to me, in writing, before or at the commencement of the hearing. We will then consider the appropriateness of asking the question(s).
10. If any parties have any procedural matters that they wish to raise regarding the hearing, I request that they do so, via Allie Dunn, in advance of the hearing.
11. Allie Dunn will be in touch with all parties who wish to present at the hearing to ascertain times for the presentation. This is in order that scheduling can occur and that we make the most efficient use of everyone's time.

Site visit

12. We will be undertaking a site visit prior to the hearing commencing. We will do so unaccompanied by any other parties. We may undertake a further site visit during or after the hearing.

Correspondence

13. Any correspondence with the Hearings Panel should be directed through Allie Dunn, at Allie.Dunn@mdc.govt.nz.



Gina Sweetman
Chair of Hearings Panel