

MANAWATŪ-WHANGANUI REGIONAL COUNCIL
ONE PLAN
PLAN CHANGE 2 - EXISTING INTENSIVE FARMING LAND USES
MINUTE 1 OF THE INDEPENDENT HEARING PANEL

Introduction

1. This minute is being sent to you because you are either a submitter to the above or you are associated with the reporting on this plan change.
2. The Manawatū-Whanganui Regional Council (MWRC) has appointed three independent hearing commissioners – Ms Elizabeth Burge, Mr David McMahon and Dr Brent Cowie (chair) as a panel to consider submissions on Proposed Plan Change 2 (PC2) to their operative “One Plan”. The Commissioners will hear the submissions, consider whether they should be accepted or rejected, and these views, together with any amendments to Proposed PC2, will form the basis of their recommendations to the Council.
3. This minute sets out some actions to be undertaken prior to the hearing, which has been tentatively set down to take place over 1-2 weeks between mid-June and mid July 2020. Please note that all parties will be formally advised of the final hearing dates and venue once they are confirmed.
4. In the meantime we want 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 eventual hearing.
5. It is likely that we will issue additional minutes with further requests and instructions before, during and/or after the hearing.

Background

6. The One Plan was notified in 2007 and became operative in December 2014.
7. An Environment Court declaration in March 2019 found there were significant issues with the way the Council was applying the One Plan and processing resource consent applications dealing with intensive farming – most notably dairying and horticulture/vegetable growing - in some sensitive catchments in the region. After considering a range of options, the Council decided to prepare a Plan Change to try and overcome these issues.
8. Proposed PC2 was notified on 22 July 2019, with 84 submissions and 32 further submissions received.

Groupings of Submitters

9. We have read background material on the Plan Change, the submissions and the further submissions.

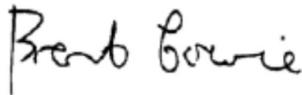
10. It appears to us that many of the submissions and further submissions fall into a number of “natural” groupings. Examples include:
 - i. Vegetable growers/horticulturalists and their affiliates, such as Horticulture NZ and Potatoes NZ.
 - ii. A number of dairy farmers and their affiliates, including Dairy NZ, Federated Farmers and (perhaps) Beef and Lamb NZ.
 - iii. Five local authorities have submitted, both individually and collectively.
 - iv. There are nine submissions from Iwi, hapu or groups affiliated to tangata whenua. These cover a wide range of interests.
 - v. There are a number of submissions from organisations primarily interested in environmental protection, including for instance Wellington Fish and Game, the Department of Conservation, Forest and Bird, the Water Protection Society and the Environmental Defence Society.
11. These groupings may be relevant to the following directions regarding pre-hearing meetings and expert conferencing. They may also be relevant in the hearing itself.

Directions for Pre-hearing Meetings and Conferencing

12. We request that MWRC staff and their advisors work with submitters in March and April 2020 with the following objectives in mind:
 - i. To ensure that individual submitters are represented at the hearing, as far as possible, by professional groups that can represent them collectively. Examples may include vegetable growers/horticulturalists as one grouping, and dairy farmers as another grouping.
 - ii. To minimise overlap and repetition in the hearing process by seeking to find common ground between groups of similar submitters. Examples could include organisations who represent conservation/environmental protection interests, and the five constituent District Councils who have submitted on PC2.
 - iii. To seek agreement, as far as possible, between groups of experts who represent submitters on a range of topics/issues.
13. To help meet these objectives we expect MWRC officers and their advisors to initially coordinate pre-hearing meetings on a topic by topic basis with submitters or groups of submitters, together with their expert witnesses. We understand that a programme for pre-hearing meetings is presently being confirmed by MWRC officers. Full records should be kept of these meetings.
14. We note that the outcomes of the pre-hearing meetings could form the basis for targeted expert conferencing between MWRC and submitters on agreed topics. For this reason we also expect MWRC officers and their advisors to convene meetings with expert witnesses to identify matters of agreement or disagreement, with the aim of narrowing or better defining the issues the Commissioners will need to address during the hearing. We ask that all expert witnesses attend and contribute constructively to these discussions. Again, full records should be kept, with conferencing statements provided to the Panel in due course.

15. We note that nothing in such a process takes any rights from individual submitters who may wish to appear at the hearing. It is our experience however that “a collective approach” from land users, in particular using expert witnesses from professional organisations, can be much more effective advocacy than numbers of individuals all saying much the same thing at a hearing.
16. We have asked MWRC officers to keep us updated on the progress of the pre-hearing meetings and expert conferencing. To this end we have sought an initial progress report no later than Friday 10 April 2020, as this will help us to set down how the rest of the pre-hearing and hearing process will take place.
17. We are likely to issue further directions regarding pre-hearing meeting and/or expert conferencing after receiving the progress report.
18. Any questions about this memorandum should be forwarded to Rebecca Tayler at MWRC. Her e-mail is Rebecca.Tayler@horizons.govt.nz, and her DDI is (06) 952 2825. She will confer with the Commissioners as necessary.

For the Hearing Panel

A handwritten signature in black ink that reads "Brent Cowie". The signature is written in a cursive, slightly slanted style.

Brent Cowie (Chair)

27 February 2020