

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hearing of Submissions and Further
Submissions on the Proposed Central Hawke's
Bay District Plan Review

**Eleventh Memorandum and Direction of the Hearings Panel
DIRECTIONS REGARDING PROCESS FOR THE HEARING OF SUBMISSIONS ON TANGATA WHENUA
MATTERS**

Introduction

1. In our Minute #9 (29 June 2022), the Hearing Panel indicated the next hearing of submissions on the Proposed Central Hawke's Bay District Plan (PDP) was tentatively scheduled for 10, 11 and 12 August 2022. We can now confirm that the Panel will consider the topics of Tangata Whenua matters and Historic Heritage on these dates. A hearing notice will be issued to relevant submitters shortly.
2. Submissions on the topic of Historic Heritage (including Notable Trees) are to be subject to the standard hearing procedure, as described in Minute #5.
3. Submissions that address the following sections of the PDP have been grouped together for the purpose of the 'Tangata Whenua' hearing topic:
 - Tangata Whenua / Mana Whenua, Ngā Tangata Whenua O Tamatea;
 - Sites and Areas of Significance to Māori; and
 - Papakāinga and Kaumātua housing and associated marae-based development.
4. The Panel observed during Hearing One that matters raised in the s42A reports relating to submissions by Tangata Whenua were broader than a single section of the PDP, and that their concerns were interrelated, making the hearing of all Tangata Whenua matters across the PDP complex. Given this, and following engagement between tangata whenua submitters and representatives of the Council, the Panel has determined that a bespoke

hearing process for these matters is appropriate. As set out in further detail below, the intention is that the Tangata Whenua topic will follow a three-step process:

- 1) An initial hearing (in mid-August 2022) where overarching issues and key concerns will be discussed and clarification of matters to be addressed through wānanga;
 - 2) Wānanga to discuss and work through issues identified during the preliminary hearing; and
 - 3) A second hearing (in late 2022), where the outcomes of the wānanga will be presented and any unresolved issues can be addressed through evidence and presentations to the Panel.
5. By adopting this process, the Panel's intention is that all submitters on this topic have the opportunity to speak to their submissions, but also to explore, in a collaborative manner, whether agreed solutions can be identified which will address the submitters' concerns, including through the District Plan or through other methods.
6. This minute provides details on this three-step process.

Hearing Process for Tangata Whenua Submissions

7. A three-step process is adopted for the consideration of Tangata Whenua submissions:

First Stage Hearing

8. At least 20 working days prior to the initial hearing (13 July), Council will circulate a report to relevant submitters which:
- Identifies the submissions to be heard as part of this hearing stream;
 - Identifies, in broad terms, the issues raised, and whether they are likely to be within scope of the PDP, or may require a separate process or discussion;
 - Identifies further information the submitters could usefully provide in order to allow for understanding and assessment of the relief sought; and
 - Does not make any assessment of the merits of the submission nor make any recommendations as to relief sought.
9. Following receipt of the report, evidence and any legal submissions or statements of position are invited to be filed in advance of the initial hearing in accordance with the usual timeframes, noting that there will be further opportunity to file evidence and submissions at the second hearing on tangata whenua matters later this year.
10. At the initial hearing commencing on 10 August, all submitters within the topic are invited to:
- Speak to their submission;

- Provide any further information in response to the initial report and to provide any specific information as to how they see their submission being reflected in the PDP; and
 - Answer questions from the Panel as to their submission and to the draft process for the Second Stage.
11. The hearing will then be adjourned pending the subsequent stages.

Wānanga

12. Following the first stage hearing, wānanga will be held with all submitters invited to discuss how concerns of the submitters can be resolved and, where appropriate, be reflected through changes to the PDP.
13. The Panel's intention is that it will issue a minute following the first stage hearing to guide submitters on which particular planning issues it would like to be addressed through wānanga.
14. The Panel anticipates there may be matters raised in submissions which, while important, require resolution outside the PDP process. The Panel may or may not provide views or recommendations on those matters, depending on how they relate to the Panel's jurisdiction under the Resource Management Act 1991.
15. The wānanga will be facilitated by an external facilitator, yet to be appointed. The intention is that submitters on the tangata whenua topic and Council representatives will participate, recognising that tangata whenua may wish to discuss some matters amongst themselves first. A record will be made of any agreement reached between some or all submitters, or of the narrowing of issues.

Second Stage Hearing

16. A resumed hearing will be scheduled following the wānanga: this is tentatively planned for November 2022.
17. A Section 42A Report will be prepared by a Council planner and circulated to all relevant submitters at least 20 working days prior to the resumed hearing. The report will append any record of agreement reached during wānanga and will take that into account in any assessment and recommendations.
18. Evidence and any legal submissions will be invited to be filed in advance in accordance with the usual timeframes.
19. The resumed hearing will focus on any matters not agreed through the first hearing, the wānanga or the s 42A report.

Tikanga

20. In the Fifth Memorandum and Direction of the Hearings Panel the procedures for the PDP hearings were set out including those related to the application of tikanga and evidence and submissions presented in Te Reo. For ease of reference, the Panel confirmed:

“Recognise Tikanga Māori: each Hearing Panel will receive written evidence in Te Reo in accordance with the filing timetable prior to hearing. Should a submitter wish to speak to that submission or present evidence in Te Reo at hearing, they are required to provide the Hearings Administrator with at least one calendar week’s notice before the commencement of the first day of the hearing stream concerned to enable an interpreter to be made available to assist the Hearing Panel. The Tikanga of the Mana Whenua shall be reflected in the hearing process as they deem appropriate.”

21. Given the ongoing risk of Covid, all PDP hearings, including those related to Tangata Whenua matters, are to be held at the Council Chambers in Waipawa. However, it is anticipated that appropriate tikanga will be applied during the initial and second hearing. Details therefore with respect to the pōwhiri and hearings procedures will be posted on the Council website following discussion with Tangata Whenua.
22. Submitters wishing to present their evidence or submission in Te Reo are asked to comply with notice requirements as set out in the Fifth Memorandum and Direction.

Next Steps

23. Formal notice of the August hearing will be issued by the Council shortly. A copy of this Minute shall be provided with the Hearing Notice.

Communications

24. As a reminder, the primary point of contact for all matters relating to the hearings is Jessie Williams, who can be contacted at districtplan@chbdc.govt.nz, or phone (06) 857 8060. Any questions or points on the proposed process described in this Minute should be directed in the first instance through Ms Williams.
25. The key location for up-to-date information on the hearings is the PDP Hearings Page is at <https://www.chbdc.govt.nz/services/district-plan/proposed-district-plan/hearings/>.

Dated 5 July 2022

Robert Schofield

Chair of the Central Hawke’s Bay District Council District Plan Hearings Panel