



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

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6 July 2022

NOTICE TO SUBMITTERS

NOTICE OF HEARING STREAM 4 – TANGATA WHENUA MATTERS CENTRAL HAWKE'S BAY PROPOSED DISTRICT PLAN

1. Central Hawke's Bay District Council advises that the District Plan Hearings Panel, appointed by Council on 29 July 2021, will hear and consider submissions and further submissions on the topic of 'Tangata Whenua' which includes the following chapters of the Council's Proposed District Plan:

Tangata Whenua/Mana Whenua / Ngā Tangata Whenua O Tamatea / Sites and
Areas of Significance to Māori / Papakāinga and Kaumātua Housing and
associated Marae-based Development

2. The hearing will convene at:

DATES: 9.00am Wednesday 10 August 2022

9.00am Thursday 11 August 2022

9.00am Friday 12 August 2022

VENUE: Council Chambers, 28-32 Ruataniwha Street, Waipawa

Key Dates for this Hearing (for more information see below)	
Council Planner's Initial Report:	1.00pm Wednesday 13 July 2022
Appearance confirmation due:	1.00pm Wednesday 20 July 2022
Submitters expert evidence due:	1.00pm Wednesday 27 July 2022
Legal Submissions or statements of position:	1.00pm Friday 5 August 2022

3. As a submitter and/or further submitter, you are invited to present your submission to the Hearing Commissioners who will consider the submissions in support of/or opposing the Proposed District Plan Provisions.

General Procedures for the Hearing of Submissions

4. This letter sets out matters relating to the hearing. Further important detail is available in [Minute 05](#) – Hearing Procedures issued by the Hearings Panel.
5. If submitters wish to provide a copy of tracked changes of the plan provisions to the Hearings Panel, they may contact Council for a word version of the relevant section.
6. Procedures for the hearing of submissions may be adjusted in light of the evolving COVID-19 situation to ensure, to the extent possible, the safety of the Panel, reporting officers, supporting staff and submitters. Confirmation of the procedures and protocols for the hearings will be communicated to all submitters two working days before the hearing or as this information is made available from Central Government, whichever is earliest.

Procedures for the Hearing of Submissions on Tangata Whenua matters

7. The Hearings Panel observed during Hearing One that matters raised in the s42 reports relating to and 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.
8. 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.
9. The Panel issued [Minute 11](#) on Tuesday 5 July 2022, which provides further detail about the three-step process. This information is summarised below:
 10. A three-step process is adopted for the consideration of Tangata Whenua submissions:

First Stage Hearing
 11. At least 20 working days prior to the initial hearing (10 August), 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.
12. 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.
13. At the initial hearing, 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.
14. The hearing will then be adjourned pending the subsequent stages.

Wānanga

15. 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.
16. 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.
17. 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.
18. 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

19. A resumed hearing will be scheduled following the wānanga: this is tentatively planned for November 2022.
20. 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.
21. Evidence and any legal submissions will be invited to be filed in advance in accordance with the usual timeframes.

The resumed hearing will focus on any matters not agreed through the first hearing, the wānanga or the s 42A report.

Pre-Circulation of Evidence

22. The Hearing Panel requires the Council to provide all evidence to the submitters no less than 15 working days prior to the hearing.
23. Submitters and further submitters are required to provide all expert evidence at least 10 working days before the hearing. An expert is a professional such as a planner, traffic engineer or similar. Submitters may provide non-expert evidence (i.e., personal submissions) at the hearing; however, it is preferable if this is provided two working days before the hearing, particularly if it is longer than 3 pages. The required delivery dates for evidence are set out at the start of this letter.
24. All evidence is expected to be provided electronically. Evidence can be sent to the Hearings Administrator Jessie Williams at districtplan@chbdc.govt.nz.
25. Providers of expert evidence are referred to [Minute 05](#) of the Hearings Procedures, specifically paragraphs 46 – 49 regarding the formatting of expert evidence. If substantive changes are being sought, then this should be supported by a s32AA evaluation and a 'tracked changes' version of Plan provisions.
26. Submitters' evidence will be uploaded to the Hearings Portal on the website, and the Hearings' administrator will forward a link to relevant parties.
27. If you have expert summaries and written representations three A4 pages or less, or any other written material to present, please bring ten (10) copies to the hearing (to be delivered in a contactless way to the Hearings Administrator). The Hearing Commissioners have received a copy of all submissions. You do not need to provide additional copies.

Presentations at the Hearing

28. If you wish to speak at the hearing, please email districtplan@chbdc.govt.nz before 1.00pm Wednesday 20 July 2022. Your email needs to provide:
 - Your daytime phone number.
 - The name(s) of who will be speaking to your submission (including any expert witnesses). Please note that providing this information is important in the context of COVID-19 and managing the number of people that are physically present at the Hearings venue.
 - An indication of how much time yourself and if you have representatives who also wish to speak, how much time each seeks to speak. Due to pre-circulation of evidence, the Commissioners expect each submitter has a default of no more than 15 minutes to

present their evidence. Submitters who consider that the default 15-minute period will be insufficient will need to make a request to the Hearings Administrator for additional time to be allocated, with reasons. The Chair will try to ensure that all submitters have the time they need (within reason) to adequately present their evidence and submissions.

- An indication if a submitter wishes to speak to their submission or present evidence in Te Reo at hearing. If so they are required to provide the Hearings Administrator with at least one calendar weeks' 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.
 - An indication of your ability to speak to your submission online via Zoom. This is important if the Panel needs to adjust its approach to conduct the Hearings in light of the COVID-19 situation at the time of the Hearing.
29. The Hearing Administrator will prepare an indicative hearing schedule and post it on the website at least two working days prior to the hearing commencing. The hearing administrator will email all hearing parties a link to the schedule as soon as it is confirmed.
 30. The Hearings Panel prefers to hear submitters and witnesses 'in person.' However, virtual appearances can be organised through the Hearings Administrator a minimum of two (2) days before the hearing. Depending on the COVID-19 situation at the time of the Hearings, virtual appearances may be preferred, or the Hearings may be conducted entirely online.
 31. If you are a submitter and have also made a further submission on the same topic the Panel will be prepared for and expect you to talk to both submissions in the same session and in the same time slot at the Hearings.
 32. Hearings will be conducted in line with the most current Health Order and Government guidance of the day. The Hearings Administrator will advise submitters at least two working days or as the information is made available from Central Government, whichever is earliest, prior to each hearing of Council requirements and obligations in regard to COVID-19 Management.
 33. If you have any questions in relation to the hearing, please contact me on (06) 06 857 8060 or at districtplan@chbdc.govt.nz.
 34. Please find the Submitter Topic Table for Hearings Stream 4 Tangata Whenua [here](#).

Friend of the Submitter

35. Lily Campbell has been engaged by Council as the 'Friend of the Submitter'. Her role is to guide submitters through the hearing process, help them understand how things will work, and ensure that their submissions receive the attention they deserve.
36. Submitters are welcome to contact Lily at FriendofSubmitters@chbdc.govt.nz or 027 593 7786.
37. You can watch a video of Lily introducing herself and describing her role on the Hearings Portal [here](#).

Nāku noa, nā,

JMWilliams.

Jessie Williams
District Plan Hearings Administrator
Central Hawke's Bay District Council