

IN THE MATTER

of the Resource Management Act 1991 (*RMA*)

AND

IN THE MATTER

of Plan Change 10 to the Wairarapa Combined
District Plan

DIRECTIONS OF THE COMMISSIONER – DIRECTION 2

1. Pursuant to section 34A of the RMA, South Wairarapa District Council (the Council) has appointed Independent Hearing Commissioner Richard Knott to hear and determine submissions to Plan Change 10 to the Wairarapa Combined District Plan.
2. Plan Change 10 seeks to ensure that the Register of Notable Trees in Appendix 1.4 of the District Plan is up to date and relevant for the district. Updates account for trees that no longer exist, trees need to be added to the list, as well as new expert thinking about what makes a tree notable.
3. The hearing has been set down for two days on Thursday 21st and Friday 22nd November 2019.
4. Direction 1, dated 3rd October 2019 set out the timescales for the exchange of evidence.
5. Further to Direction 1, I have considered whether there is merit in a Pre-Hearing meeting being arranged between the Greytown Tree Advisory Group, the Council Planner, the Council Arborist and a representative of NZ Notable Trees (as practicalities allow, as I understand that their representative is based in Nelson). I have concluded that such a meeting would be beneficial to the hearing process.
6. In addition, I understand that whilst the S42A report has been prepared and made available, the Council's Arborist's evidence is not yet available, but will be made available not later than the 7th November 2019. I believe that as submitter expert evidence is not to be provided to the Council until 5pm Wednesday 13th November, submitters will not be unduly prejudiced by the late circulation of the Council Arborist's evidence. However, should any expert representing a submitter feel that they required additional time to consider the Council Arborist's evidence I am happy that they address me on those specific matters at the hearing.
7. The Council has recently been able to access information from their archive which was previously not available. I consider that there is benefit in this information being made available for the hearing, along with the Council's commentary on this and other associated information. Given that there is some work required to bring this together I am prepared to accept that this is not provided to me until Tuesday 12th November. I recognise that this is too late for experts appearing on behalf of submitters to address this in their evidence. However, it is important that submitters have the opportunity to address any matters raised by this additional information and I ask that they do so verbally at the hearing.

8. Pursuant to Sections 42A, 42B and 42C of the RMA, I direct that:
- (a) Prior to the hearing a pre-hearing meeting takes place between the Greytown Tree Advisory Group, the Council Planner and Council Arborist and if feasible a representative of NZ Notable Trees, with a view to sharing updated information and narrowing differences between the parties. Notes shall be made of this meeting recording areas of agreement and disagreement. These notes shall be made available on the Council's website before the hearing.
 - (b) Council's Arborist's Evidence shall be made available and be posted on Council's website no later than 5pm, Thursday 7th November 2019.
 - (c) Council shall prepare an addendum to their S42A report which presents relevant information retrieved from the Council archive, relevant information from the pre-hearing meeting and other information required to support this. This shall be posted on Council's website as soon as possible but in any event, no later than 5pm, Tuesday 12th November 2019.
9. The Directions do not apply to non-expert evidence, or evidence to be presented by submitters who are "non-experts". They will have the opportunity to present written or oral evidence at the hearing in the normal manner. They do not need to pre-circulate their own statements or representations before the hearing commences.

Any enquiries regarding these Directions or related matters should be directed to Lou Brown, Planner, South Wairarapa District Council, lou.brown@swdc.govt.nz



Richard Knott
Commissioner
6th November 2019