

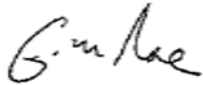
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**DIRECTIONS OF THE COMMISSIONERS****MINUTE 10****Hearing 11 – Sites and Areas of Significance to Maori ('SASM') –  
ESAI's Request for Pre-Hearing Meeting**

- [1] By way of a letter to the Hearing Commissioners dated 25 October 2021 Ellesmere Sustainable Agriculture Incorporated (ESAI) requested that a pre-hearing meeting be arranged in relation to Hearing 11, for the SASM chapter.
- [2] The request was made as follows:
- It is considered that a pre-hearing meeting would be extremely beneficial for all parties to understand further the nature of the provisions but also the potential to pursue a joint agreement as to the wording and/or method of implementation of the matters sought to be controlled. The benefit of a pre-hearing meeting would be to allow the opportunity for co-operative and collaborative discussions between the submitters, relevant Council staff, Mahaanui Kurataiao Limited (MKT) representatives and any runanga representatives who were interested in attending.*
- [3] It is further understood from ESAI's submission that it is seeking the SASM chapter to be:
- "put on hold...until such time as all parties affected by the overlays and the associated provisions have worked together to promote an agreed and suitable outcome".*
- [4] We have also received a similar request from Jane West, on behalf of several other submitters (letter dated 30 November 2021), in support of ESAI's request for a pre-hearing meeting.
- [5] Pre-hearing meetings were signalled in the Panel's Minute 1 as a means to bring submitters together in order that issues of contention between submitters may be able to be resolved prior to the hearing, where there is a reasonable expectation this could occur. This also assists the Panel to run an efficient hearing. Ultimately our aim is to make decisions informed by the best information available to us.
- [6] In the case of the SASM chapter I am advised that there are some submissions in support of the provisions from submitters (for example ECan and DoC), however there were no iwi submitters on this topic. Therefore any pre-hearing meeting would not be able to be attended by runanga representatives, and would most probably only be attended by ESAI and other submitters who are in opposition to the SASM provisions. The Council officer, who is charged with preparing an independent report and recommendation, would also be in attendance but I am informed that the reporting officer is already well aware of the nature of ESAI's concerns regarding the SASM chapter and is in the process of preparing their report.
- [7] Whilst the Panel has in general encouraged pre-hearing meetings, it is therefore not clear what would be achieved by holding a meeting in the circumstances outlined above. It is further noted that ESAI has signalled it is contemplating a withdrawal or at least a substantial rewrite of the Chapter and it is more appropriate that the Panel make any directions on that after having heard the evidence.
- [8] The hearing is scheduled for 12 and 14 April 2022, and the s42A Report is due out on 14 March 2022. Taking account of the above, the Panel would recommend that ESAI and other submitters on this topic await the s42A Report and address it's recommendations as they see fit in evidence to the Hearings Panel. Once we have

received that evidence we will be in a position to direct any conferencing between witnesses prior to, during, or after the hearing.

[9] The Panel looks forward to hearing from the parties at the hearing.

A handwritten signature in black ink, appearing to read 'G. m Rae'.

Gary Rae

**Independent Commissioner – Co-Chair - on behalf of the DPR Hearing Panel members for Hearing 11**

16 December 2021