

Southland Regional Council (Environment Southland)

Proposed Southland Water and Land Plan

MINUTE AND DIRECTIONS OF HEARING COMMISSIONERS

Minute 11

INTRODUCTION

1. This Minute contains the Hearing Panel's decision on a request for an extension to the timeframes for lodging evidence by Federated Farmers.
2. Ten previous Minutes have been issued by the Hearing Panel. A list of these Minutes is attached in Appendix 1.

REQUEST BY FEDERATED FARMERS

3. In Minute 10, the Hearing Panel directed a revised timetable for the lodging of evidence-in-chief and rebuttal evidence for all submitters before the hearing of the submissions. Individual timetables for Fish and Game and Ngai Tahu have also been set.
4. On 20 April 2017 the Hearing Panel received a memorandum from Federated Farmers outlining their request for an extension to the timeframes for lodging their evidence-in-chief and rebuttal evidence.
5. The Panel assumes this request includes both evidence in chief prepared by Federated Farmers witnesses in support of the Federated Farmers submission and rebuttal evidence prepared by Federated Farmer expert witnesses in response to the expert evidence of other submitters.
6. Federated Farmers has requested an extension as follows:
 - a. Federated Farmers evidence-in-chief and rebuttal evidence to be lodged by 9 June 2017.
7. Federated Farmers has set out the following reasons for the request:
 - a. Existing commitments in the Federated Farmers Policy Team including Environment Court appearances and mediation; annual plan submissions; High Court appearances and hearing processes.
 - b. Report from an expert witness will not be available until after 12th of May 2017. This is evidence in relation to water quality and science surrounding the proposed Plan.

DIRECTIONS

8. In Minute number 10 dated 13 April 2017 the Panel granted an extension to 12 May 2017 for all submitters for the provision of their primary evidence. It was noted that the Panel would be reluctant to grant any further requests for extensions given that submissions closed on 1 August 2016 and submitters have therefore already had eight and a half months (now nearly nine months) to prepare their supporting evidence.

9. However, the Panel notes that Federated Farmers do not wish to appear at the hearing until September 2017 and so on that condition the Panel reluctantly agrees to grant the request outlined in paragraph 6.
10. The following deadlines for evidence in chief and rebuttal evidence shall apply:
 - a. Federated Farmers evidence in chief shall be lodged by **9 June 2017**.
 - b. Federated Farmers rebuttal evidence (to all parties except those listed below) is to be lodged by **9 June 2017**.
 - c. Federated Farmers rebuttal evidence opposing Fish and Game's evidence in chief shall be lodged by **23 May 2017**.
 - d. Federated Farmers rebuttal evidence opposing Ngai Tahu's evidence in chief shall be lodged by **2 June 2017**.
 - e. For all submitters rebuttal evidence opposing Federated Farmers evidence in chief shall be lodged by **16 June 2017**.
11. If the Hearing Panel has questions of rebuttal witnesses and the submitter they represent has already appeared at the hearing then the Hearing Panel will put their questions in writing to be answered by the witnesses in writing.
12. Whilst Federated Farmers have asked not to appear at the hearing until September 2017, if required they may be scheduled to appear earlier. This will occur if the hearing weeks in September are not required.
13. Federated Farmers have also indicated (paragraph (b) of their Memorandum) that there is considerable confusion amongst their individual farmer submitters as to what is required of them. The Panel has attempted to make that abundantly clear, as has the Council. However, to reiterate our requirements:
 - a. Lay submitters (including farmers) can attend the hearing and "talk to" their submission within their allocated time, expanding on issues already set out in their original submissions without introducing new issues; and
 - b. If lay submitters wish to table additional written material in support of their original submissions (be it written statements of their own; written evidence prepared by experts such as planners, scientists, or farm advisors; maps, plans, pictures and such) then that is to be provided by **12 May 2017**.

The reason for these requirements is the large number of submissions received and the large number of submitters wishing to be heard. This necessitates the imposition of restrictions on the time provided to each submitter at the hearing and an efficient hearing process predicated on the pre-circulation of written evidence.



Rob van Voorthuysen (Chair) for and on behalf of the Hearing Panel

27 April 2017

Appendix 1 – Record of Minutes Issued

| Minute Number | Date Issued | Purpose |
|----------------------|--------------------|---|
| 1 | 10 October 2016 | Late submissions |
| 2 | 15 December 2016 | Transpower waiver application |
| 3 | 16 February 2017 | Late further submissions |
| 4 | 10 March 2017 | Hearing Panel conflict of interest |
| 5 | 28 March 2017 | Response to memorandum of Counsel for Ngāi Tahu about cultural evidence |
| 6 | 6 April 2017 | Notice of hearing and procedural matters |
| 7 | 13 April 2017 | Decision on extension request from Fish & Game |
| 8 | 13 April 2017 | Decision on extension request from Ngāi Tahu |
| 9 | 13 April 2017 | Decision on extension request from Beef + Lamb |
| 10 | 13 April 2017 | Decision on extension for all submitters |
| 11 | 27 April 2017 | Decision on extension for Federated Farmers |