

**Southland Regional Council (Environment Southland)**

**Proposed Southland Water and Land Plan**

**MINUTE AND DIRECTIONS OF HEARING PANEL**

**Minute 18**

**INTRODUCTION**

1. This Minute contains the Hearing Panel's (the Panel) decision on a request by Federated Farmers for an extension to the timeframes within which submitters were to confirm their wish to be heard.
2. Seventeen 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 6 the Panel gave notice of the hearing of submissions on the Proposed Plan and outlined procedural matters relating to the hearings, including directing the timeframe for submitters to confirm their intention to be heard at the hearing.
4. Among other things, Minute 6 directed that submitters that indicated on their original submission that they wished to be heard, and still wished to be heard at the public hearing, were to confirm their intention and availability to one of the Hearings Administrators, no later than 24 April 2017. This date was set so that the Hearing Administrators could prepare the hearing timetable and allocate times and dates to submitters who wished to be heard, book hearing venues, and make travel arrangements for the hearing panel members, so that the hearing could run efficiently and effectively.
5. On 17 May 2017 the Panel received a memorandum from Federated Farmers requesting an extension, as follows:
  - a. a period of one month in which to contact as many submitters as possible who originally indicated that they wished to be heard, but have not requested an appearance time at the hearing, to confirm that those submitters do not wish to attend the hearing.
6. Essentially, this is a request for an extension to the timeframe within which submitters were to confirm their wish to be heard.
7. Federated Farmers set out the following reasons for their request:
  - a. Federated Farmers was concerned that the Council's approach in relation to evidence requirements, particularly the direction to lodge lay evidence ahead of the hearing, could lead submitters to feel overwhelmed with what was required of them, causing them to neither lodge formal evidence nor attend the hearing.
  - b. Submitters previously intending to attend the hearing may have been deterred due to uncertainty as to what was required of them.

- c. Federated Farmers understand there is a group of approximately 300 submitters who originally requested to be heard but failed to request an appearance time at the hearing.
- d. Federated Farmers can provide support to any submitters who want guidance on the hearing process.
- e. No formal evidence will be lodged and anyone who does wish to subsequently attend the hearing will only be able to speak to their original submission, without additional evidence.

## **DIRECTION**

- 8. Under section 39 of the Resource Management Act 1991, the Panel has the power to establish a procedure that is appropriate and fair in the circumstances. In relation to the scheduling of the hearing, the Panel directed that submitters confirm whether they still wished to attend the hearing, prior to the commencement of the hearings.
- 9. Given the large number of submitters who originally indicated that they wished to be heard, confirmation of attendance was required prior to the hearing, so that the Hearing Administrators could prepare the hearing timetable, arrange venues, and allocate times and dates to submitters who wished to be heard. After considering the scale and significance of the hearing, the Panel considered that the exercise of this power was appropriate so that the hearing could be run efficiently and effectively.
- 10. We note that to date 312 submitters have confirmed their wish to be heard and many have provided evidence in advance in accordance with our directions. We are satisfied that submitters have understood what was required of them.
- 11. In respect of the 300 submitters who Federated Farmers allege failed to request speaking time at the hearing, we understand that all submitters who originally requested to be heard were contacted a number of times by the Hearing Administrators to remind them of the date of 24 April 2017 that was set in Minute 6 within which to confirm their attendance at the hearing. Specifically, this included:
  - a. Emails to the approximately 800 submitters who provided the Council with email addresses on 7 April and reminder emails on 20 April;
  - b. Letters to the approximately 100 submitters who did not have an email address on 7 April;
  - c. Reminder phone calls to the approximately 100 submitters who did not have an email address on 20 and 21 April;
  - d. An interview on Hokonui Radio on 11 April;
  - e. A banner and news item on the Council's website from 19 April.
  - f. Small articles in the Fiordland Advocate and the Southland Times on 20 and 22 April (respectively);
  - g. An advertisement on the Council's Facebook page (paid, to reach an audience of approximately 17,000 people) running from 20 – 24 April; and
  - h. A large advertisement in the Southland Times on 22 April.

12. On this basis, we are satisfied that submitters were given sufficient opportunity to confirm their attendance at the hearing. We also note that it is not uncommon for submitters to change their mind about being heard.
13. For the reasons set out above, the Panel declines the request by Federated Farmers to extend the timeframe within which submitters are able to confirm their wish to be heard.
14. Finally, given that 312 submitters have confirmed their wish to be heard, we are confident that all relevant issues will be placed squarely on the table before us once we have heard from those submitters. We remind Federated Farmers that it is not the number of submitters who raise an issue that is determinative of our assessment of the issue. Rather, each issue raised is carefully considered on its merits regardless of whether it is raised by one submitter or 300 submitters.



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

**25 May 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 request from Federated Farmers (evidence)
12	3 May 2017	Decision on extension request from Chris Hansen
13	10 May 2017	Decision on extension request from B and A Hunt
14	11 May 2017	Decision on extension request from Councils
15	11 May 2017	Decision on extension request from Fish and Game
16	12 May 2017	Decision on extension request from Dairy NZ
17	12 May 2017	Decision on extension request from Invercargill Airport Ltd
18	25 May 2017	Decision on hearing confirmation request from Federated Farmers
19	25 May 2017	Further evidence in response to Section 42A advice