

**Southland Regional Council (Environment Southland)**

**Proposed Southland Water and Land Plan**

**MINUTE AND DIRECTIONS OF HEARING PANEL**

**Minute 19**

**INTRODUCTION**

1. This Minute addresses the matter of submitters responding to the further recommendations provided to the Hearing Panel (the Panel) by the Section 42A Report authors on the first three days of the hearing.
2. Eighteen previous Minutes have been issued by the hearing panel. A list of these Minutes is attached in Appendix 1.

**BACKGROUND**

3. In order to facilitate an efficient hearing process the Panel provided their questions on the Section 42A Report to the authors of that report in advance of the hearing. The answers to those questions were provided in writing to the Panel at the commencement of the hearing and the questions and answers were subsequently read into the record. Further verbal questions were posed by the Panel on the first day of the hearing and answers to those questions were also provided in writing by the Section 42A authors and read into the record. The answers will be posted on the Council webpage in due course.
4. In many cases the answers to the questions were accompanied by further recommended amendments to the Plan provisions.
5. Counsel for Fonterra has asked whether submitters will have an opportunity to respond to the answers provided by the Section 42A authors and more particularly the further amendments recommended to the Plan provisions.

**DIRECTION**

6. The short answer to the query posed by Counsel for Fonterra is yes.
7. The Panel accepts that it would be procedurally unfair to deny submitters an opportunity to comment on the answers provided by the Section 42A authors and more particularly the further amendments recommended to the Plan provisions.
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. Accordingly, we direct that:
  - a. Submitters may provide supplementary evidence addressing the answers to the Panel's questions provided by the Section 42A authors and more particularly the further amendments recommended to the Plan provisions. That supplementary evidence is to be filed with the Council no less than **10 working days** prior to the scheduled appearance of the submitter at the hearing;

- b. If submitters wish to set out their response in legal submissions then those submissions are to be filed no less than **three working days** prior to the scheduled appearance of the submitter at the hearing;
  - c. Submitters who have appeared at the hearing prior to the issuing of this Minute may file supplementary evidence addressing the answers to the Panel's questions provided by the Section 42A authors and more particularly the further amendments recommended to the Plan provisions by **Friday 9 June 2017**;
  - d. No provision is made for rebuttal evidence responding to any supplementary evidence filed.
9. The Panel expects that any supplementary evidence will be concise and will not unnecessarily repeat matters already addressed in original submissions or evidence already filed. The supplementary evidence will be read in advance by the Panel members and it will not need to be read aloud at the hearing.



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	Submitter responses to further Section 42A recommendations