

Southland Regional Council (Environment Southland)

Proposed Southland Water and Land Plan

MINUTE AND DIRECTIONS OF HEARING COMMISSIONERS

Minute 6

INTRODUCTION

The purpose of this Minute is to provide notice of the hearing of submissions on the Proposed Southland Water and Land Plan (Proposed Plan) and to outline procedural matters relating to the hearings.

The members of the hearing panel are:

- Rob van Voorthuysen (chair)
- Edward Ellison (independent commissioner)
- Councillor Lloyd McCallum
- Councillor Eric Roy
- Councillor Maurice Rodway

Five previous minutes have been issued by the hearings commissioners. A list of these Minutes is attached in Appendix 1.

NOTICE OF HEARING

Notice is hereby given that a hearing by the Southland Regional Council has been set to consider the proposed Southland Water and Land Plan and the submissions received.

The commencement date and time for the hearing of submissions at each venue is set out below.

Hearing schedule

Week	Date	Time	Venue	Location
1	22 – 24 May 2017	9.00am – 4.30pm	Ascot Park Hotel	Invercargill
	25 May 2017	9.00am – 1.00pm	Racecourse Road	
2	12 – 14 June 2017	9.00am – 4.30pm	Heartland Hotel Croydon 100 Waimea Street	Gore
	15 June 2017	9.00am – 1.00pm		
3	26 – 28 June 2017	9.00am – 4.30pm		
	29 June 2017	9.00am – 1.00pm		
4	3 July 2017	1.00pm – 4.30pm		
	4 – 6 July 2017	9.00am – 4.30pm		
5	14 – 16 August 2017	9.00am – 4.30pm	Council Chambers Southland Regional Council Corner of North Road and Price Street	Invercargill
	17 August 2017	9.00am – 1.00pm		
6	21 August 2017	1.00pm – 4.30pm		
	22 – 24 August 2017	9.00am – 4.30pm		
7	4 – 6 September 2017	9.00am – 4.30pm		
	7 September 2017	9.00am – 1.00pm		
8	11 September 2017	1.00pm – 4.30pm		
	12 – 14 September 2017	9.00am – 4.30pm		
9	25 – 27 September 2017	9.00am – 4.30pm		
	28 September 2017	9.00am – 1.00pm		

Reserve days

The hearing panel intends to hear from all submitters by the close of Week 9 (28 September 2017). In the event that more time is required, the hearing panel has reserved the following additional weeks:

Week	Date	Time	Venue	Location
10	13 November 2017	1.00pm – 4.30pm	Council Chambers Southland Regional Council Corner of North Road and Price Street	Invercargill
	14 – 16 November 2017	9.00am – 4.30pm		
11	27 – 29 November 2017	9.00am – 4.30pm		
	30 November 2017	9.00am – 1.00pm		
12	4 December 2017	1.00pm – 4.30pm		
	5 – 7 December 2017	9.00am – 4.30pm		

When submitters are advising their availability, they should not assume that hearing weeks 10 – 12 will proceed.

DIRECTIONS

Website

1. All information relevant to the hearings will be made available on the Council's website:
<http://www.es.govt.nz/waterandland>
2. Submitters who wish to be heard are encouraged to view that information on the website.

Service on the Council

3. Any information, documents, evidence, or legal submissions required by this Minute, and any memorandum or application to the hearing panel, may be lodged:
 - a. by email to policy@es.govt.nz
 - b. in writing, addressed to Southland Water and Land Plan, Environment Southland, Private Bag 90116, Invercargill 9840 or
 - c. by delivery to Environment Southland, Corner of North Road & Price Street, Waikiwi, Invercargill 9810.

Council Hearing Officers' Report (Section 42A Report)

4. A report by the Council Hearing Officer(s) on the submissions received (the Section 42A report) will be made available on the website from midday **Friday 7 April 2017**.

Confirmation from submitters who wish to be heard

5. If you are a submitter and you indicated on your original submission that you wished to be heard and you still wish to be heard at the public hearing, you must confirm your intention and availability by email (policy@es.govt.nz) or by phone (03 211 5115) to one of the Hearings Administrators, Carmen Russell or Denise McKay, no later than **24 April 2017** including the following information:
 - a. which venue you wish to be heard at;
 - b. whether you have any special needs (e.g. projector and screen, translators);
 - c. if you will be calling evidence in support of your submission;
 - d. whether you intend to call expert evidence (including any planning witness); and
 - e. indications as to dates you are not available, including reasons why.
6. The hearing administrators will endeavour to take the above matters into account, where possible, when preparing the hearing timetable and allocating appearance dates and times to submitters who wish to be heard.

Hearing Timetable

7. Once all submitters have confirmed whether they wish to be heard, a hearing timetable will be prepared showing which submitters will be heard at which times. The timetable will be emailed to submitters and posted on the website.

Hearing Procedure

8. The hearing panel is required to run the public hearing in a manner which is appropriate and fair, but without unnecessary formality. We will receive evidence written or spoken in te reo Māori, and will accommodate disabilities which affect submitters or witnesses.
9. If you are a submitter, the panel will have read your submission and evidence in advance, and will take them as read. This means that if you are appearing at the hearing you will not need to read your submission or evidence aloud. Instead, the hearing panel may ask you questions based on your submission and/or evidence.
10. If you are a submitter you will have the following time to speak, to answer questions from the panel and to respond to issues/evidence:
 - a. if you have submitted as an individual you will have 10 minutes speaking time;
 - b. if you have submitted on behalf of an organisation you will have 20 minutes speaking time; and
 - c. if you have witnesses giving evidence on your behalf, each witness will have up to an additional 10 minutes speaking time to answer questions.
11. The time allocations have been set to allow you to speak, to answer questions from the hearing panel and/or to provide evidence in support of the issues raised in your submission.
12. Any submitter who requires additional time may make a written request to the hearing panel, advising of the additional time required, along with reasons explaining why more time is required. Any request for additional time must be made by **24 April 2017**.
13. Submitters will not be permitted to cross-examine witnesses. The hearing panel may question submitters and witnesses.

Giving Evidence

14. If you are a submitter and you wish to speak only to the matters you have raised in your submission no documents need to be provided to the Council as the hearing panel will have pre-read all submissions. However, you may also wish to give evidence by providing a written statement or discussing additional information which was not provided with your original submission, but which is relevant to and supports issues raised in that submission, or call a witness to do this on your behalf. If this is the case, all written material must be provided to the Council ahead of the hearing.
15. To allow for the timely lodging of any rebuttal evidence,¹ and for the hearing panel to read the evidence prior to the hearing, if you are a submitter and you intend to give written evidence or call others to give written evidence on your behalf, you must provide a written statement of the evidence of each witness in accordance with the following timetable:
 - a. Evidence-in-chief from all parties is to be received by the Council by midday **5 May 2017**.
 - b. Rebuttal evidence² (if any) is to be received by the Council by midday **19 May 2017**.

¹ Rebuttal evidence is where an expert witness disagrees with the evidence provided by another expert witness and they explain their disagreement in a brief statement of rebuttal evidence.

16. This timetable is established because the panel considers that the scale and significance of the public hearing makes this direction appropriate. Please note that the timetable is not confined to expert evidence. It applies to **all** written evidence, not just expert evidence.
17. If you are a submitter who intends to have legal counsel present written legal submissions on your behalf, you (or your legal counsel) must file written legal submissions with the Council **3 working days before** your scheduled appearance at the hearing.
18. Any briefs of evidence and legal submissions that are sent by email to the email address set out above must:
 - a. Be saved as a pdf(s) not exceeding 10Mb in size. The PDF format must allow the document to be annotated; and
 - b. Evidence in chief must be saved with a title in this format: 'Evidence submitter name'. For example:
 - Evidence – BLOGGS, Joe
 - Evidence – The Company
 - c. If you are also sending evidence from experts or other people appearing on your behalf, the document must be saved with a title in this format: 'Evidence – submitter name – name of person giving evidence'. For example:
 - Evidence – BLOGGS, Joe – DOE, John
 - Evidence – The Company Ltd – DOE, John
 - d. Rebuttal evidence must be saved with a title in this format: 'Rebuttal evidence - submitter name', or if you are also sending rebuttal evidence from experts or other people appearing on your behalf, 'Rebuttal Evidence – submitter name – name of person giving evidence'. For example:
 - Rebuttal evidence – BLOGGS, Joe
 - Rebuttal evidence – The Company
 - Rebuttal evidence – BLOGGS, Joe – DOE, John
 - Rebuttal evidence – The Company – DOE, John
 - e. Legal submissions must be saved with a title in this format: 'Legal submissions - submitter name'. For example:
 - Legal submissions – BLOGGS, Joe
 - Legal submissions – The Company
19. The use of this naming convention will make it easier to manage the documents being lodged and make it simpler to find the documents on the hearings website.
20. The briefs of evidence (including rebuttal evidence) and legal submissions will be posted on the Council website (as soon as is reasonably practicable).

Evidence Recording

21. An audio record of the hearing will be made, and will be available on the website, as soon as is reasonably practicable.

22. Excerpts from the audio record may be transcribed, if the hearing panel requires it themselves, or in response to a written request, which include reasons, by a submitter.

Opening statement by the Council

23. The hearing panel intends to give the Council the opportunity on **Monday 22 May** and **Tuesday 23 May** to present a summary of the Section 42A Report as it considers appropriate, to set the background to the proposed Plan and to identify the matters likely to be in contention during the hearing.
24. Submitters will be able to respond to any matter raised by the Council that is relevant to their submission later in the hearing when they present on the relevant aspect(s) of their submission. It is not proposed that submitters will be heard on Monday 22 May and Tuesday 23 May. We intend to commence hearing submitters on **Wednesday 24 May**.

Other Directions and Minutes

25. The hearing panel through the Chair, when necessary throughout the hearing process, may issue further minutes. These minutes will be uploaded to the Council's website. Submitters are encouraged to view the Council's website from time to time.



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

6 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