

Southland Regional Council
Proposal for a Southland Regional Pest Management Plan
pursuant to the Biosecurity Act 1993

MINUTE AND DIRECTIONS OF HEARING PANEL
on preparation for hearing of submissions

[Minute 1]

INTRODUCTION

1. At its meetings on 7 November 2018 and 12 December 2018 the Southland Regional Council (Council) under clause 32 of Schedule 7 of the Local Government Act 2002 appointed us as the Hearing Panel on the Proposal for a Southland Regional Pest Management Plan (the Proposal).
2. The Council delegated to us the powers, functions and duties of the Council set out in:
 - a) Sections 72 to 74 (excluding section 72(5)) and sections 100D(6)(b) of the Biosecurity Act 1993 (the Act), in respect of the Proposal; and
 - b) Sections 75(1) and (2) of the Act to prepare a written report on the Plan.
3. These include the powers, functions and duties of hearing submissions on the Proposal for a Southland Regional Pest Management Plan and of making recommendations to the Council on the Southland Regional Pest Management Plan.
4. The members of the Hearing Panel are:
 - a) John Simmons (Chair)
 - b) Councillor Robert Guyton
 - c) Councillor Grant Hubber
 - d) Councillor Lyndal Ludlow
 - e) Muriel Johnstone (Mana whenua)

NOTICE OF HEARING

5. Notice is given that a hearing by the Council has been set to consider a Proposal for a Southland Regional Pest Management Plan and submissions received on the Proposal.
6. Submitters have been given notice of the hearing by email or letter which informed them of the time and location of the hearing and the process to follow if they wished to speak to their submission.
7. The dates and venues for the hearing of submissions are set out below. Sitting times for the hearing are 9:00am – 4:30pm.

Date: 18 February 2019

Location: Invercargill

Venue: Environment Southland, Cnr North Rd & Price St, Waikiwi, Invercargill

Date: 19 February 2019
Location: Invercargill
Venue: Environment Southland, Cnr North Rd & Price St, Waikiwi, Invercargill

8. Notice is also given that staff will present a response to submissions and a response to any additional questions from the hearing panel on 20 March 2019.

Date: 20 March 2019
Location: Invercargill
Venue: Environment Southland, Cnr North Rd & Price St, Waikiwi, Invercargill

DECISION ON ACCEPTANCE OF LATE SUBMISSIONS

9. The following four submissions were received on the Proposal by the Council after the date for making submissions closed at 5pm on 23 October 2018 (together, the Late Submissions):
- a) Invercargill City Council – 24 October 2018
 - b) Fiordland Marine Guardians - 29 October 2018
 - c) Forest and Bird Society – 29 October 2018
 - d) Department of Conservation – 30 October 2018
10. The submitters of all of the Late Submissions provided advance notice to Council that they wished to provide a late submission. The submissions lodged had not yet been made available on the website for viewing. Further, no Notice of Hearing had been issued and directions for the filing of evidence had not yet been made.
11. Section 72(1)(a) of the Act requires us to be satisfied that that if Ministers' responsibilities may be affected by the plan, the Ministers have been consulted. The Council has identified that the interests of the Minister for Conservation may be affected by the plan, and therefore should be consulted.
12. We are also required to be satisfied under section 72(1)(d) of the Act that, if consultation with other persons is appropriate, sufficient consultation has occurred.
13. We consider that the acceptance of the remaining late submissions will assist in meeting this requirement of the Act and that no persons will be prejudiced by the late filing of these submissions.
14. Accordingly, the Panel accepts the Late Submissions as valid submissions on the Proposal. This means that these submissions will be included in the summary of submissions in accordance with the Panel's directions set out below.

DECISION ON ACCEPTANCE OF ADDITIONAL PAGE TO A SUBMISSION

15. The following submission was received on the Proposal by the Council on 22 October 2018.
- a) Omaui Landcare Charitable Trust

16. On 28 January 2019 the submitters advised Council that a page had been omitted from the submission and requested that it be included as a part of the submission.
17. We are required to be satisfied under section 72(1)(d) of the Act that, if consultation with other persons is appropriate, sufficient consultation has occurred.
18. We consider that the acceptance of the additional page to the submission will assist in meeting this requirement of the Act and that no persons will be prejudiced by the late filing of this additional page.
19. Accordingly, the Panel accepts the additional page as part of a valid submission on the Proposal. This means that this information will be included in the summary of submissions in accordance with the Panel's directions set out below.

DIRECTIONS

20. This Minute sets out the Panel's directions for the conduct of the public hearing.

Staff Report

21. Council Staff are directed to prepare a Staff Report containing:
 - a) A summary of the key themes raised in submissions.
 - b) A summary of the legal framework in the Act for making a regional pest management plan.
 - c) A summary of the submissions received on the Proposal highlighting key issues raised in submissions.
 - d) A further assessment against the consultation requirements in section 72 of the Act, following the Council meeting on 7 November 2018.
22. The Staff Report will be made available on the website by 15 February 2019.
23. Council Staff are further directed to prepare a Staff Report containing staff recommendations in response to each submission to be made available on the website by 4 March 2019.

Website

24. All information relevant to the hearings will be made available on the Council's website: <https://www.haveyoursay.es.govt.nz/pest-plan>.
25. Submitters who wish to be heard are advised to view that information on the website.

Service on the Council

18. Any information or evidence required by this Minute, and any memorandum or application to the Hearing Panel, may be lodged:
 - a) In writing, addressed to Environment Southland, Private Bag 90116, Invercargill 9840, Southland, New Zealand marked for the attention of the Hearings Officer Alex Morgan.
 - b) By delivery to Environment Southland, Cnr North Rd & Price St, Waikiwi, Invercargill 9810

c) By email to policy@es.govt.nz.

A Hearing Schedule

26. A Hearing Schedule will be e-mailed or posted to submitters and posted to the website showing the location, date, sequence and time allocation granted to each submitter.
27. Submitters will be allocated 15 minutes to speak to their submission and/or call evidence. Submitters requesting more time have been allocated 30 minutes as the hearing schedule permitted.
28. Additional time allocations were set in light of the content of each submitter's submission, evidence (if any) and the time estimate and reasons provided by the submitter.

Provision of written evidence

29. To allow for the Hearing Panel to read the evidence prior to the hearing, submitters who intend to call or give evidence are to provide a written statement of the evidence of each witness so that it is received by the Council by midday 14 February 2019. Please note that this applies to all written evidence, including both expert and lay evidence. Due to the limited timeframes extensions to this date will not be granted.
30. It is noted that if lay persons wish to present evidence but do not wish to prepare a written statement of evidence, they may attend the hearing and make an oral presentation within the time allocation specified.
31. This timetable is established because the Hearing Panel considers that the scale and significance of the public hearing makes this direction appropriate. The statements of evidence will be posted on the website.

The Hearing Procedure

32. The Hearing Panel will read submissions in advance, and take such materials as read, so time allocations can be set to allow submitters to provide an executive summary of their submission and/or provide evidence in response to new issues and/or provide rebuttal evidence.
33. Submitters will not be permitted to cross-examine witnesses. The Hearing Panel may question submitters and witnesses.

Evidence Recording

34. An audio record of the hearing will be maintained and made available to submitters on the website.
35. Excerpts from the audio record may be transcribed, if appropriate, where the Panel requires it or receives an application and makes a direction for transcription.

Acknowledgement of Potential Conflict of Interest

36. The panel have received notification that several submitters believe that there are conflicts of interest relating to several panel members. The panel has reviewed a list of submitters and considered the potential conflicts raised, the Hearing Panel have identified those submitters with whom the Hearing Panel have had current or previous associations.

John Simmons:

- Previous association with the Department of Conservation
- Previous association with Land Information New Zealand
- Previous association with Ministry for Primary Industries
- Previous association with Rob Phillips (Chief Executive – Environment Southland)
- Previous association with Richard Bowman (presenting on behalf of the Mid Dome Wilding Trees Charitable Trust)

Councillor Robert Guyton:

- Association with Fish and Game New Zealand (Southland)
- Association with Otatara Landcare Group
- Association with QEII National Trust
- Previous association with Fiordland Marine Guardians
- Previous association with Forest Hill Foundation
- Previous association with Meridian Energy Limited
- Previous association with Mid Dome Wilding Trees Charitable Trust
- Previous association with Rakiura Titi Islands Administering Body

Councillor Grant Hubber:

- Member of Federated Farmers
- Family connection with Donna and Peter Goomes
- Family connection with Warren and Denise Macpherson
- Previous association with Mid Dome Wilding Trees Charitable Trust
- Previous association with William Smellie

Councillor Lyndal Ludlow:

- Family connection with Councillor Darren Ludlow – Councillor – Invercargill City Council
- Association with Fish and Game New Zealand (Southland)
- Association with Angelina and Shane Malloch (Omaui Residents Group)
- Association with Southland Conservation Board
- Previous association with Bluff Hill Motopohue Environment Trust
- Previous association with Fiordland Marine Guardians
- Previous association with Forest Hill Foundation
- Previous association with Mid Dome Wilding Trees Charitable Trust
- Previous association with Omaui Landcare Charitable Trust
- Previous association with Otatara Landcare Group

- Previous association with Stewart Island/Rakiura Community and Environment Trust

Muriel Johnstone (Mana whenua)

- Whānau/family connection with Fish and Game New Zealand (Southland)
- Whānau/family connection with Stewart Island/Rakiura Community and Environment Trust
- Whānau shareholding in Omaui Ahu Whenua Trust
- Association with the Department of Conservation
- Association with Donna and Peter Goomes
- Association with Meridian Energy Limited
- Association with Tony Pohio
- Association with Rayonier Matariki Forests
- Association with Real Journeys Limited
- Association with Te Runanga o Awarua
- Previous association with Bluff Hill Motopohue Environment Trust
- Previous association with Fiordland Marine Guardians
- Previous association with Southland Conservation Board

37. The Hearing Panel is satisfied, subject to any matters submitters might raise, that any perceived conflicts of interest can be dealt with by this disclosure, and there is no need for any Panel member to recuse themselves from considering and determining any of the submissions.

38. If any submitter takes a different view, or wishes to raise additional matters, they are to alert the Council in writing either to the Chief Executive or the independent chair of the hearing panel as a matter of urgency.

ISSUED by the Chair (John Simmons) on behalf of the Hearing Panel

A handwritten signature in black ink, appearing to read 'John Simmons', with a horizontal line underneath it.

13 February 2019