

**Canterbury Regional Council**  
**Proposal for Canterbury 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 15 June 2017 and 20 July 2017 the Canterbury 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 the Canterbury 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 (**BSA**), in respect of the Proposal; and
  - b. Sections 75(1) and (2) of the BSA to prepare a written report on the Plan.
3. These include the powers, functions and duties of hearing submissions on the Proposal for the Canterbury Regional Pest Management Plan and of making recommendations to the Council on the Canterbury Regional Pest Management Plan.
4. The members of the Hearing Panel are:
  - a. Councillor Tom Lambie (Chair)
  - b. Councillor Cynthia Roberts
  - c. Councillor Iaeen Cranwell
  - d. John Simmons

**NOTICE OF HEARING**

5. Notice is given that a hearing by the Council has been set to consider the Proposal for the Canterbury Regional Pest Management Plan and submissions received on the Proposal.
6. The dates and venues for the hearing of submissions are set out below. Sitting times for the hearing are 9:30am – 4:30pm.

## WEEK 1

Date: 11 September 2017  
 Location: Christchurch  
 Venue: Environment Canterbury, 200 Tuam Street, Christchurch

Date: 12 September 2017  
 Location: Christchurch  
 Venue: Environment Canterbury, 200 Tuam Street, Christchurch

Date: 13 September 2017  
 Location: Timaru  
 Venue: Environment Canterbury, 75 Church St, Timaru

## WEEK 2

Date: 19 September 2017  
 Location: Amberley  
 Venue: Rugby Club Rooms, Amberley Domain Reserve, Douglas Rd, Amberley

Date: 20 September 2017  
 Location: Amberley  
 Venue: Rugby Club Rooms, Amberley Domain Reserve, Douglas Rd, Amberley

Date: 22 September  
 Location: Christchurch  
 Venue: Environment Canterbury, 200 Tuam Street, Christchurch

**DECISION ON ACCEPTANCE OF LATE SUBMISSIONS**

7. The following four submissions were received on the Proposal by the Council after the date for making submissions closed at 5pm on 3 July 2017 (together, the **Late Submissions**):
  - a. QEII National Trust – 3 July 2017 at 5.02pm
  - b. Ministry for Primary Industries (**MPI**) – 3 July 2017 at 5.29pm
  - c. Air New Zealand Inc – 3 July 2017 at 8.48pm
  - d. Forest & Bird – 5 July at 3.44pm
8. Three of the Late Submissions were filed on the day that the submission period closed, with the remaining submission by Forest & Bird being lodged within 2 working days. 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.
9. Section 72(1)(a) of the BSA 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 Primary Industries may be affected by the plan, and therefore should be consulted.
10. We are also required to be satisfied under section 72(1)(d) of the BSA that, if consultation with other persons is appropriate, sufficient consultation has occurred.

11. We consider that the acceptance of the remaining late submissions will assist in meeting this requirement of the BSA and that no persons will be prejudiced by the late filing of these submissions.
12. 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.

### **DIRECTIONS**

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

### **Staff Report**

14. 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 BSA for making a regional pest management plan.
  - c. A summary of the submissions received on the Proposal highlighting key issues raised in submissions, including staff recommendations in response to each submission.
  - d. A further assessment against the consultation requirements in section 72 of the BSA, following the Council meeting on 25 May 2017.
15. The Staff Report will be made available on the website on and from 18 August 2017.

### **Website**

16. All information relevant to the hearings will be made available on the Council's website: **[www.ecan.govt.nz/pests](http://www.ecan.govt.nz/pests)**.
17. 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 Canterbury, PO Box 345, Christchurch 8140 marked for the attention of the Hearings Officer Lochiel McKellar
  - b. By delivery to Environment Canterbury, 200 Tuam Street, Christchurch.
  - c. By email to [lochiel.mckellar@ecan.govt.nz](mailto:lochiel.mckellar@ecan.govt.nz).

### **Confirmation of wish to be heard**

19. Submitters who wish to be heard at the public hearing must confirm by email to [lochiel.mckellar@ecan.govt.nz](mailto:lochiel.mckellar@ecan.govt.nz) their intention and availability no later than 4 August 2017, and advise:

- a. Where they would prefer to appear.
- b. Whether they require more than 15 minutes to speak to their submission and/or call evidence, and if so, an estimate of time and reasons for the additional time requested.
- c. Whether they have any special needs (e.g. projector and screen).
- d. Whether they intend to call expert evidence.
- e. If they would like to present in Te Reo Māori.

### **A Hearing Plan**

20. A Hearing Plan will be e-mailed to submitters and posted to the website showing the location, date, sequence and time allocation granted to each submitter.
21. Submitters will be allocated 15 minutes to speak to their submission and/or call evidence. If submitters require more time, they are required to advise the Hearing Officer when they confirm their wish to be heard and give reasons for the additional time required (in accordance with paragraph 19 of this Minute).
22. Any additional time allocations will be 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**

23. 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 4 September 2017. 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.
24. 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.
25. 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**

26. The Hearing Panel will read submissions and evidence 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.
27. Submitters will not be permitted to cross-examine witnesses. The Hearing Panel may question submitters and witnesses.

### **Evidence Recording**

28. An audio record of the hearing will be maintained and made available to submitters on the website.
29. 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**

30. Having reviewed a list of submitters, the Hearing Panel have identified those submitters with whom the Hearing Panel have had current or previous associations.

Councillor Tom Lambie:

- Member of Federated Farmers of New Zealand.
- Interest in Meadowvale Limited, a farming property in the Timaru District.

Councillor Cynthia Roberts:

- Member of Forest and Bird
- Member of the Rod Donald Banks Peninsula Trust that contributes substantial funds to the Banks Peninsula Conservation Trust

John Simmons:

- Previous association with KiwiRail Holdings Limited.
- Previous association with Land Information New Zealand.
- Previous association with Ministry for Primary Industries.

31. 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.
32. If any submitter takes a different view, or wishes to raise additional matters, they are to alert the Council as a matter of urgency.

ISSUED by the Hearing Panel

25 July 2017