

Hawke's Bay Regional Council
Proposal for Hawke's Bay 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 meeting on 24 April 2018 the Hawke's Bay Regional Council (**Council**) under clause 32 of Schedule 7 of the Local Government Act 2002 appointed us as the Hearing Panel on the Proposed Hawke's Bay 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 71 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 Proposed Hawke's Bay Regional Pest Management Plan and of making recommendations to the Council on the Hawke's Bay Regional Pest Management Plan.
4. The members of the Hearing Panel are:
 - a. Mr John Simmons (Chair)
 - b. Mr Apiata Tapine
 - c. Councillor Paul Bailey
 - d. Councillor Tom Belford

Section 70 & 71 OF THE BIOSECURITY ACT 1993

5. Section 70 of the Act outlines the matters that must be set out in the Proposal. As part of the process for making a regional pest management plan, section 71 requires us to be satisfied that the Proposal contains the matters set out in section 70 and meets the requirements of section 71 of the Act. We are required to complete this step before moving on to consider the draft Plan following the hearing of submissions.
6. Council Staff have provided us with an assessment of the Proposed Hawke's Bay Regional Pest Management Plan against the requirements of sections 70 and 71 of

the Act. We understand that this document has been made available on the Council's website. We have considered this assessment and are satisfied that the Proposal that was publicly notified for submissions complies with sections 70 and 71 of the Act.

7. Following the hearing of submissions and Panel deliberations, the Panel will direct staff to prepare a draft Plan in accordance with section 73 of the Act and incorporating any amendments the Panel directs to be made to respond to matters raised in submissions. On receipt of the draft Plan the Panel will then be required to satisfy itself that the draft Plan meets the requirements of sections 73 and 74 of the Act, before making its recommendations on the Plan.

NOTICE OF HEARING

8. Notice is given that a hearing by the Council has been set to consider the Proposed Hawke's Bay Regional Pest Management Plan and submissions received.
9. 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: 5 July 2018
Location: Napier
Venue: Hawke's Bay Regional Council, 159 Dalton Street, Napier

Date: 6 July 2018
Location: Napier
Venue: Hawke's Bay Regional Council, 159 Dalton Street, Napier

WEEK 2

Date: 9 July 2018
Location: Napier
Venue: Hawke's Bay Regional Council, 159 Dalton Street, Napier

Date: 10 July 2018
Location: Napier
Venue: Hawke's Bay Regional Council, 159 Dalton Street, Napier

DECISION ON ACCEPTANCE OF LATE SUBMISSIONS

7. The following six submissions were received on the Proposal by the Council after the date for making submissions closed on 16 March 2018 (together, the **Late Submissions**):
8.
 - a. East Coast HB Conservation Board – 18 March 2018
 - b. Peter Manson – 21 March 2018
 - c. Mike Healy – 23 March 2018

- d. Maungaharuru-Tangitū Trust – 28 March 2018
 - e. Paddy Maloney – 10 April 2018
 - f. HBRC (yellow bristle grass) – 17 April 2018
9. The submissions lodged have 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.
 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 submissions received on the Proposal highlighting key issues raised in submissions, including staff recommendations in response to each submission.
 - c. An assessment against the consultation requirements in section 72 of the BSA.
15. The Staff Report will be made available on the website on and from 21 June 2018.

Website

16. All information relevant to the hearings will be made available on the Council's website: <https://www.hbrc.govt.nz/services/pest-control/biosecurity/pest-management-plan-review/>
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 Hawkes Bay Regional Council, Private Bag 6006, Napier 4142, marked for the attention of Mark Mitchell
 - b. By delivery to Hawke's Bay Regional Council, 159 Dalton Street, Napier.

- c. By email to pestplan@hbrc.govt.nz.

Confirmation of wish to be heard

19. Submitters who wish to be heard at the public hearing must confirm their intention and availability no later than 8 June 2018, and advise:
 - a. What date they would prefer;
 - 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.

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 21 June 2018. 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.

Apiata Tapine:

- Attended Tangata_Mana Whenua hui on the Proposed Regional Pest Management Plan in a listening capacity only. His and his entities name are not listed on the submission.

John Simmons:

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

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

18 May 2018