

Proposed Regional Plan for Northland

MINUTE AND DIRECTIONS OF THE HEARING PANEL

Minute 1

INTRODUCTION

- [1] At its meetings on 30 August 2017 and 21 November 2017 the Northland Regional Council (the Council) delegated to us the function of hearing the submissions on the Proposed Regional Plan for Northland (the Plan) and making recommendations to the Council on them.
- [2] The Hearing Panel is:
- Rob van Voorthuysen (independent commissioner and chair)
 - Miria Pomare (independent commissioner)
 - Joce Yeoman (councillor)
- [3] Additional councillors are likely to join the Hearing Panel to hear the submissions on matters that were not included in the notified Plan or the Section 32 analysis report (see paragraphs [6] to [13] below for more information about these submissions). We understand that this will be confirmed at the March 2018 Council meeting.
- [4] Sections 41B to 41D of the RMA set out various powers the Hearing Panel has for conducting a hearing. Section 41A requires that before using these powers, we should satisfy ourselves that the scale of the hearings makes the exercise of these powers appropriate. Given the number of submissions received, the comprehensive nature of many of those submissions, and the fact that the Plan combines and consolidates a number of existing regional plans, the Hearing Panel is satisfied the scale and significance of the hearing warrants the exercise of powers under sections 41B to 41D of the RMA.

HEARINGS

- [5] The following preliminary information, directions and requests relate to submitters intending to appear at the hearings. Details of actual hearing venues and dates will be confirmed in a subsequent Minute.
- Hearings are likely to commence July 2018. The intention is to hold hearings at Kaitaia, Kerikeri, Whangarei and a marae. Council staff will be in contact with submitters to confirm their preferred location, scheduling (appearance days and times) and any other needs (e.g. translator or projector).
 - The hearings will not be broken up into Plan topics. Accordingly, pursuant to section 41C(1) of the RMA, submitters who have lodged submissions on a range of topics or Plan provisions are directed to present all their evidence on the full range of matters they have submitted on during their single scheduled appearance at the Hearing. The exception to that is for submissions on matters that were not included in the Plan or Section 32 analysis report. Those submissions will be heard at the end of the hearing later in 2018.
 - The Section 42A report¹ will be made available five or six weeks before the start of the hearing, allowing submitters to have regard to its contents when preparing their evidence. It would be extremely helpful for the Hearing Panel if submitters could indicate in their evidence whether or not they agree or disagree (with reasons) with the

¹ The Section 42A Report is prepared by Council staff. It includes a discussion of the submissions and the amendments sought by submitters to the Plan. It recommends (with reasons) whether the submissions should be accepted or rejected. The Hearing Panel is not bound by the staff recommendations and the Panel weighs the staff advice along with the views of the submitters when making decisions on what to ultimately recommend to the Council.

staff recommendations that relate to their submissions.

- Pursuant to section 41B(3) of the RMA, submitters who intend to call expert evidence² in support of their submissions are directed to provide a written statement of that evidence to the Council no later than two weeks before the hearing commences.
- If submitters intend to provide written evidence themselves, or have non-expert people appear on their behalf, then they are requested and strongly urged to also provide a written statement of that evidence to the Council no later than two weeks before the hearing commences.
- All evidence received will be posted on the Council's website.
- Some submitters may wish to have legal counsel present legal submissions to the hearing in support of their submissions. If that is the case, then the Hearing Panel requests that those legal submissions are provided no later than three working days before the submitter is scheduled to be heard. This will better enable the Hearing Panel to consider the matters being addressed by those counsel.
- All pre-circulated evidence and legal submissions will be taken as read at the hearing. Accordingly, pursuant to section 41C(1) of the RMA, submitters are directed that they, their experts and their counsel will not be required to read any such material out loud at the hearing. Nor will they be required to read out loud their original submissions. Reading that material out loud at the hearing would be an inefficient use of time as the Hearing Panel members will have already read it.
- However, submitters, experts and counsel will be allowed to briefly highlight key points for the benefit of the Hearing Panel. The Panel members will then ask any questions they may have.
- Accordingly, pursuant to section 41C(1) of the RMA, submitters are directed that they will generally be scheduled speaking times of 20 minutes for each expert and counsel appearing and 15 minutes for all other presenters appearing, including themselves. If submitters consider that they will need more time than this then they are requested to contact the Council (see paragraph [15] below for contact details) and explain why they need more time in light of the process for evidence pre-circulation outlined above.

SUBMISSIONS ON MATTERS NOT ADDRESSED BY THE PLAN

- [6] A number of submitters have requested the inclusion of provisions in the Plan on a range of matters that were not included in the notified Plan nor in the Council's Section 32 analysis report. We understand that the most common request is for the inclusion of provisions addressing genetic engineering or genetically modified organisms.
- [7] Council officers have advised us that these submitters and the matters their submissions address are set out in Appendix 1 to this Minute.
- [8] We understand that some of the submissions on these matters may lack an analysis of these matters (in terms of the requirements of section 32 of the RMA), which makes it difficult for the Hearing Panel to assess the merits of the requests on the information currently available to it. The reason being that the Hearing Panel makes its decisions based on the evidence presented to it. The Hearing Panel considers that it behoves the submitters listed in Appendix 1 to provide further information by way of an analysis of their requests (if not already included in the submission), both to assist the Hearing Panel and to enable potential further submitters to decide whether or not they wish to submit in support of, or in opposition to, the requests.
- [9] We note that it is not the Council's responsibility to provide this analysis as the Council has not proposed Plan provisions on the Appendix 1 matters.
- [10] Accordingly, pursuant to section 41C(2) of the RMA, the Hearing Panel requests that the submitters listed in Appendix 1 provide further information (if such information has not already been provided in their original submissions), being both precise details of the new provisions

² Expert evidence is that written by qualified planners, engineers or scientists, for example, prepared in accordance with the Environment Court's Practice Note 2014 for expert witnesses.

requested (for example the actual wording of any new definitions, rules or policies addressing the matter raised) and an analysis of the merits of any such new provisions. Submitters addressing the same matter (for example genetically modified organisms) are encouraged to join together to provide a single set of this information, as this will avoid the Panel having to consider multiple analyses of the same matter.

- [11] The Hearing Panel recommends that the submitters refer to the Councils Section 32 analysis report for guidance on the type of analysis that would be of most assistance to the Panel.
- [12] It is important to note that any further information provided should not seek to materially change or expand the scope of the additions to the Plan that were sought in the original submission.
- [13] The Hearing Panel requests that the above further information is provided to the Council by **4pm on 1 March 2018**. The information must be in the format described in paragraph [16] of this Minute.

WEBSITE

- [14] All information relevant to the hearings will be made available on the Council's website: www.nrc.govt.nz/newregionalplan

SERVICE ON THE COUNCIL

- [15] Any further written information, evidence or legal submissions addressed by this Minute, and any memorandum or application to the Hearing Panel, must be lodged:
- By post addressed to the Northland Regional Council, Private Bag 9021, Whangarei Mail Centre, Whangarei 0148. Attention: Ben Lee; or
 - By hand delivery to Northland Regional Council, 36 Water Street, Whangarei; or
 - By email to BenL@nrc.govt.nz
- [16] All written information, evidence or legal submissions must be in either Microsoft WORD or PDF format. It should be 'unlocked' so that it is able to be easily annotated by members of the Hearing Panel as they read it.

EVIDENCE RECORDING

- [17] An audio record of the hearing is to be made available on the Council's website as the hearing proceeds.



Rob van Voorthuysen for and on behalf of the Hearing Commissioners:
30 January 2018

Appendix 1: Submissions on matters not addressed in the Proposed Regional Plan for Northland

Name	Matter
Absolum I	Genetically modified organisms
Absolum M	Genetically modified organisms
Agnew A	Shared indoor sports facility
Agnew A	Asbestos removal
Agnew A	Illegal dumping of rubbish
Agnew A	Fires
Agnew A	Cropping
Agnew A	Daylight saving
Agnew L	Genetically modified organisms
Ajani S	Genetically modified organisms
Ajani S	Marsden Point rail link
Ajani S	Climate Change
Alspach R	Genetically modified organisms
Atkinson A	Genetically modified organisms
Auckland Council	Genetically modified organisms
Auckland GE Free Coalition	Genetically modified organisms
Bainbridge J	Genetically modified organisms
Baker C	View shafts
Bazeley R	Genetically modified organisms
Bjorsell C	Genetically modified organisms
Bream Bay Coastal Care Trust	Genetically modified organisms
Bream Bay Coastal Care Trust	Monitoring & Enforcement
Bremmer I and Mueller-Glodde R	Genetically modified organisms
Brownlie A	Genetically modified organisms
Cambourn I	Genetically modified organisms
Carapiet J	Genetically modified organisms
CEP Services Matauwhi Limited	Climate change
CEP Services Matauwhi Limited	Natural character in freshwater
Cinzori J	Genetically modified organisms
Clark R	Genetically modified organisms
Collie N	Genetically modified organisms
De Stefani S	Genetically modified organisms
Eisenmann E	Genetically modified organisms
Eisenmann S	Genetically modified organisms
Eisenmann U	Genetically modified organisms
Er L	Genetically modified organisms
Far North District Council	Genetically modified organisms
Far North District Council	Natural Hazard maps and models
Far North Organic Growers and Producers Society Inc	Genetically modified organisms
Gaskin E	Genetically modified organisms
GE Free Northland	Genetically modified organisms
GE Free NZ	Genetically modified organisms
Goodall T	Genetically modified organisms
Grammer Z	Rail
Grammer Z	Pest plants

Grammer Z	Feral pest control
Grammer Z	Highly versatile soils
Grammer Z	Genetically modified organisms
Growers and Producers Society Inc	Genetically modified organisms
Harris L	Genetically modified organisms
Harris R	Marine pest management not covered in plan
Herbert P	Riparian strips
Hewland L	Genetically modified organisms
Hicks M	Genetically modified organisms
Hicks M	Aquifers
Hicks M	Vegetation clearance
Hill G	Genetically modified organisms
Hokianga Environment Protection Group	Genetically modified organisms
Honeymoon Orchards	Genetically modified organisms
Hughes J	Organic Farming
Hughes J	Pest plants
Hughes J	Wet farming land
Hughes J	Pets
Hughes J	Road verges
Hughes J	Environmental protection
Jenkins B	Genetically modified organisms
Johnson A	Marine pest management not covered in plan
Johnston J	Climate change
Johnston J	Urban form and function
Jones B	Genetically modified organisms
Jones G & C	Marine pest management not covered in plan
Jones L	Genetically modified organisms
Kerikeri Organic	Genetically modified organisms
Knausenberger E	Genetically modified organisms
Kurmann A	Copper standards
Kurmann A	Nutrient management
Kurmann A	Marine pest management not covered in plan
Larcombe M	Metal build up in Kawakawa river
MacClement D	Genetically modified organisms
Macmillan R	Marine pest management not covered in plan
Maldonado E	Genetically modified organisms
Mangonui Cruising Club	Marine pest management not covered in plan
Marks M	Enforcement
Marsh S	Genetically modified organisms
Mather C	Genetically modified organisms
Maui L	Genetically modified organisms
McDonald M	Genetically modified organisms
Meijer P	Genetically modified organisms
Molloy K	Genetically modified organisms
Ngati Ruamahue of Whangaroa	Monitoring and enforcement
Ngati Ruamahue of Whangaroa	Hapu participation in resource management
Nikora-Kerr K	Aupouri groundwater
NZ Oyster Industry Association	Oyster industry facility

Organics Aotearoa	Genetically modified organisms
Oxborrow Mr	Coastal flood hazard maps
Patuharakeke Te Iwi Trust Board Inc	Genetically modified organisms
Perkinson A	Monitoring of aquifer takes
Physicians and Scientists for Global Responsibility	Genetically modified organisms
Pittman B	Genetically modified organisms
Porter Taipari R	Genetically modified organisms
Porter Taipari R	Deep sea seismic testing for oil
Puhipuhi Mining Action Group	Genetically modified organisms
Puhipuhi Mining Action Group	Mercury mine at Puhipuhi
Refining New Zealand	Outline plan for Refinery
Robinson F	Genetically modified organisms
Rountree F	Genetically modified organisms
Rowe V	Genetically modified organisms
Ruakaka Parish Resident and Ratepayers Association	Biosecurity - Flora and Fauna
Russell Boating Club	Marine pest management not covered in plan
Russell Landcare Trust	Monitoring permitted and consented activities.
Ryan P	Genetically modified organisms
Sanderson J	Genetically modified organisms
Schuttr R	Genetically modified organisms
Simons D	Genetically modified organisms
Soil and Health Association	Genetically modified organisms
Stanton T	Genetically modified organisms
Syron B	Marsden Port/Barging
Tatum L	Genetically modified organisms
Tautari R	Genetically modified organisms
Tautari R	Hearings
Te Kopu - Pacific Indigenous & Local Knowledge Centre of Distinction	Air Quality – nonregulatory methods/monitoring
Te Kopu Pacific Indigenous and Local Knowledge Centre of Distinction	Genetically modified organisms
Te Waka Kai Ora	Genetically modified organisms
Thomas N	Genetically modified organisms
Tito M	Genetically modified organisms
Trott M	Genetically modified organisms
Upperton T	Genetically modified organisms
Upperton T	Vessel speed
Van Alphen R	Genetically modified organisms
Vincent M	Combined Regional and District plans
Vision Kerikeri	Genetically modified organisms
Vision Kerikeri	Riparian planting
Wagener C	Aupouri groundwater
Wagener C	Aupouri groundwater
Wagener J	Aupouri groundwater
WAI 2027	Taumarere Awatapu restoration
WAI 2027	Economic, environmental, cultural imperatives

Waldron S	Doubtless Bay catchment plan
Whangarei District Council	Genetically modified organisms
Whangarei District Council	Acid sulphate soils
Whatitiri Resource Management Unit and Environment River Patrol-Aotearoa	Farm dairy effluent discharge monitoring and testing
Williams R	Genetically modified organisms
Wilson M	Genetically modified organisms
Wistrand A	Genetically modified organisms