

Waikato Regional Council Proposed Plan Change 1 – Waikato and Waipā River Catchments

Minute from the Hearing Panel – regarding:

Submitters seeking to be heard in the Block 1 Hearings; and presenting their entire submission once rather than having to appear multiple times before the Hearing Panel.

Submitters who are unsure when their submissions will be heard as their submissions have not been listed in the Block 1 hearings.

The Hearing Panel has received a number of requests from submitters seeking to:

- Be heard in the Block 1 hearings where their submissions have **not** been addressed in the Block 1 - section 42A report, but consider they have primarily raised matters relating to the *Overview and Context, Overall Direction, Values and Uses, Science and Economics* as addressed in Part A and B of the section 42A report;
- Appear in Block 1, irrespective of whether their submission has been listed in the Block 1 - section 42A report or not, to address their entire submission at the Block 1 hearings so they do not have to appear multiple times before the Hearing Panel, and.
- Understand when they will be listed for hearing in the Block 2 and 3 hearings sessions (as their submissions are not listed in the Block 1 hearings and the section 42A report which has been published).

Hearings Panel's Direction

The hearings are to be held in three Blocks, with each Block having a section 42A report. The topics for these Blocks are set out below under the heading - Topics and their Hearing Blocks. The Hearing Blocks and the hearings timetable is on the Council's website, and all submitters who wished to be heard were notified of this (the timetable and hearing topics) by the Council's Independent Hearings Coordinator (primarily by email) on 13 December 2018.

Each of the three section 42A reports will only address the submissions relating to the topics set out below. These reports will identify the submissions that have been considered in those reports.

The Hearing Panel's Hearing Procedures and Directions document (dated 5 November 2018) at section 6 – Hearing Session - stated that "*Hearing sessions will be arranged according to topic*" as addressed in the Council's section 42A report.

This is, in part, to enable an efficient hearing process so that submitters and the Hearing Panel understand what Council officers are recommending in relation to the submissions addressed in the section 42A report.

The "*Principles of the Hearings*" set out in the Hearing Procedures and Directions document states (in part):

1. *The Hearing Panel will establish a hearing procedure that:*

- a. *is appropriate and fair;*
- b. *avoids unnecessary formality;*
2. *In addition, the Hearing Panel will:*
 - d. *conduct an efficient process which minimises the costs and time to all parties involved in the hearing;*
 - e. *provide submitters with an adequate opportunity to be heard, while, where necessary, limiting the length of oral presentations, avoiding repetition of information, and/or the presentation of irrelevant material;*

The Hearing Panel accepts the hearing process needs to be undertaken in a way that *minimises the costs and time to all parties involved in the hearing*. However, given the total number of submissions, the number of submitters who wish to be heard, the range of topics to be addressed, and that mediation and expert conferencing is being held on some Blocks 2 and 3 topics, it is necessary to break the hearings into topics and allocate submissions accordingly. In doing so, it is inevitable that some submitters, particularly those with multiple submission points, those attending mediation sessions on subsequent topics, and those represented by expert witnesses, will need to appear on a number of occasions.

Accordingly the Hearing Panel agrees to the following:

Those submitters listed in the section 42A Report at Appendix B4.1 – section B4 Submitters

- If you are already listed as a submitter in the Block 1 section 42A report and you wish to appear only once to present your entire submission, you are welcome to do so on the following basis:
 - That your submission is primarily concerned about the matters addressed in the section 42A report – i.e. *Overview and Context, Overall Direction, Values and Uses, Science and Economics, and Objectives, Limits and Targets*.
 - That you do not intend to present evidence, and in particular expert evidence, at other hearings on the topics that will be addressed in subsequent section 42A reports (topics set out at the end of this Minute).
 - That you advise Mr Steve Rice, Council's Independent Hearings Coordinator, that you intend to appear once at the hearings. This needs be done by 7 February 2019 (as any evidence to presented is required to be filed with Mr Rice by the 15 February 2019 as per the Hearing Panel Direction dated December 2018).

Those submitters **not** listed in the section 42A Report at Appendix B4.1 – section B4 Submitters

- If you are not listed as a submitter in the section 42A report, and you wish to appear only once at the Block 1 hearings to present your entire submission, you may be able to do so on the following basis:
 - o That you consider your submission is primarily concerned about the matters addressed in the Block 1 section 42A report – i.e. *Overview and Context, Overall Direction, Values and Uses, Science and Economics, and Objectives, Limits and Targets*.
 - o That the Hearing Panel agrees that your submission is primarily concerned about the matters addressed in the Block 1 section 42A report.
 - o That you do not intend to present evidence, and in particular expert evidence, at other hearings on the topics that will be addressed in the subsequent section 42A reports (topics set out at the end of this Minute).
 - o That you advise Mr Steve Rice, Council’s Independent Hearings Coordinator that you intend to appear once at the hearings. This must be done by 7 February 2019 (as any evidence to be presented is required to be filed with Mr Rice by the 15 February 2019 as per the Hearing Panel Direction dated December 2018).

All other submitters

- o All other submitters who wish to be heard before the Hearing Panel will be informed of this once the Block 2 and 3 section 42A reports are published. These reports will identify the submitters addressed in those reports.

This Minute is intended to provide as much flexibility as possible to encourage community participation in the hearing process, while at the same time ensuring an efficient hearings process.



Greg Hill

Chairman of the Hearing Panel. 29

January 2019

Topics and their Hearing Blocks

Topics for Block 1 Hearings (and addressed in the section 42A report already published)

Part A – Introduction and context

- Introduction, structure, assumptions and abbreviations
- Brief summary of PC1 and its development
- Variation 1 process
- Legal and statutory framework
- NPS-FM and its 2017 update, other NPSs and NESs, MfE work programmes

- Waikato River Vision and Strategy, Joint Management Agreements
- Collaborative development process
- Waikato Freshwater Strategy
- Water quality and ecosystem health

Part B - Outcomes

- Overall direction and whole plan submissions
- Values and uses
- Science and Economics
- Objectives
- Water quality targets and limits
- FMUs, priority areas and sub-catchments

Topics for Block 2 Hearings (section 42A report not published)

- Diffuse discharge management
- Four contaminants – Nitrogen, Phosphorus, E Coli and Sediment
- Nitrogen Management/Nitrogen Reference Point
- Overseer
- Reductions (75th percentile)
- Land use change
- Maori Treaty Settlement Land
- Urban/point source discharges
- Stock exclusion
- Cultivation, slope and setbacks
- Schemes

Topics for Block 3 Hearings (section 42A report not published)

- Commercial vegetable production
- Alternative approaches – inc. sub-catchment planning
- Farm Environment Plans
- Miscellaneous (Forestry, Wetlands and Lakes, consequential changes)