

HAWKE'S BAY REGIONAL COUNCIL
PROPOSED PLAN CHANGE 9 (PPC9) – TŪTAEKURĪ, AHURIRI, NGARURORO AND
KARAMŪ CATCHMENTS (TANK)

MINUTE 5 OF THE INDEPENDENT HEARING PANEL

INTRODUCTION

1. This is the fifth minute of the independent hearing panel. It relates to the section 42A Addendum report, late expert evidence and presenting at the hearings.

REQUEST TO MAKE COMMENTS ON SECTION 42A ADDENDUM REPORT

2. We have received two requests for further time to respond to the section 42A Addendum report provided by Hawkes Bay Regional Council on 19 May 2021. The first of these requests is from Te Taiwhenua o Heretaunga. Elizabeth Munroe and Maurice Black, in presenting their evidence indicated that Te Taiwhenua o Heretaunga had not had enough time to read or review the Section 42A Addendum Report, and were still reading the original Section 42 A report. They asked if more time could be provided to provide comments on the Addendum Report. In Elizabeth Munroe's evidence she states:

We were also concerned to learn of the suggestion that the panel work with the amended Plan Change 9 that was filed 19 May.

Whilst on one hand it was clear effort to accommodate submissions, it has left no time for tangata whenua to properly consider it and potentially makes the current oral submissions meaningless, if decisions have already been made on the written version. It also benefits those submitters scheduled late in June who have a further 3 to 5 weeks to review this new version and tailor their submissions accordingly.

To that extent tangata whenua are disadvantaged. We are further disadvantaged by the additional evidence that I believe has also been submitted. Tangata whenua must have equity and we'd suggest a further opportunity be given to review the amended plan within the current process.

3. The reference to the 'amended Plan Change 9' and 'additional evidence' relates to the Section 42A Addendum report included the appendices, made up of evidence in response to expert evidence of submitters. This was provided to the hearings panel on 19 May 2021 (originally 17 May, extended to 19 May).

4. With regard to the assertion that 'decisions have been made', we confirm that no decisions have been made on this addendum report. As with the earlier s42A report the Council staff provided advice to us, and no more than that.

5. Legal Counsel for Ngāti Kahungunu Incorporated have requested more time to review the Section 42A Addendum Report. The request from Ngāti Kahungunu Incorporated is as follows:

Counsel is instructed that Tangata Whenua witnesses giving evidence this week need more time to understand and absorb the latest tranche of material received 2 working days before the hearing started. It is acknowledged that Commissioners are working to the same tight timeframes. But, submitters scheduled in hearing weeks 2, and 3, have between 2-4 weeks preparation time. Tangata whenua parties do not; and are prejudiced by the short notice. NKII requests that it be provided with an opportunity for further comment on proposed revisions to PC9 provisions, in hearing week 3, of say 45-60 minutes. This time can be taken from the time budget allocated tomorrow. Such an approach would be reasonable, vis-a-vis other submitters that will have the opportunity to respond to matters raised by Tangata Whenua submitters in hearing week one. It recognizes the practical difficulty of "going first", and the short timeframe from receipt of rebuttal evidence (which affects hearing week one submitters more directly than submitters).

6. We have considered these requests and are amenable to an opportunity for comments to be provided to the hearings panel on the Section 42A Addendum report. In making this decision we have considered:

- a. The timing of the Section 42A Addendum Report on 19th May 2021, two working days before week 1 hearing commenced,
- b. The volume of the Section 42A report and its 12 appendices (more than 350 pages)
- c. the context of the information supporting the hearing process and the fairness to week 1 submitters attending the hearings.

7. We consider that further time for week 1 submitters can be given to provide comments on the Section 42A report, but within some parameters which we provide below.

8. We are inviting submitters who attended the week 1 hearings to provide written comments, specifically and only related to the contents of the section 42A Addendum report and within the scope of their original submissions. We do not want to receive submissions on matters that have already been included in evidence (to avoid duplication) and the presentation in week 1. We must receive these written comments by **1pm, Friday 4th June**.
9. We will also look to provide **15 minutes** for those submitters who have made written comments (above) and request to do so, on the Section 42A Addendum Report in week 3 of the hearings. You will appreciate that our timetable for the hearings is tight and timetabled submitters have already made commitments to attend. We ask that you work cooperatively with our hearing administrator team to find a suitable time (if required).

LATE EXPERT EVIDENCE

10. We have received two late briefs of expert evidence from Ngaio Tiuka and Shade Smith, both on behalf of Ngāti Kahungunu Incorporated.
11. We have previously determined to not accept 'expert evidence' from submitters after the extended closing date of Tuesday 11th May, 5pm. These two briefs of evidence were received on Sunday 16th May, and so we have not treated them as expert briefs. We invite Council and submitters to respond to us in writing with any views regarding this matter by **5pm, Wednesday 2 June 2021**.

PRESENTING AT THE HEARING

12. We note submitter(s) have taken the opportunity to send us 'lay witness briefs' and summaries of their expert evidence. This has been very helpful for the panel in preparation for, and indeed during the hearing. We encourage this to continue for the smooth running of the hearings.

CONTACT

13. The administrative contact for the plan change is Maggie Brown at Hawke's Bay Regional Council. All hearing and administrative matters should be directed to Maggie at etank@hbrc.govt.nz or on 027 214 9871. She will confer with the Commissioners as necessary.

Thank you, ngā mihi.

Antoine Coffin

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Chair of Plan Change 9 Hearings Panel

Date: 28 May 2021