

## **Marlborough Salmon Farm Relocation Advisory Panel**

### **First Minute of Advisory Panel**

#### **Background**

1. More than 400 written comments have been lodged with the Ministry for Primary Industries on this proposal for a regulation to make a plan change to the Marlborough Sounds Resource Management Plan. Over eighty of those commenting have requested to be heard. The Advisory Panel has therefore considered how best to efficiently and expeditiously conduct the hearing of presentations in support of the written comments made.
2. In doing so Panel members have taken into account our Terms of Reference which provide as follows in relation to hearing processes and hui processes:

#### ***Public hearings***

*The Panel must hold public hearings on written comments if any person making a written comment requests to appear and be heard. The Panel will have discretion to organise the hearings so that comments can be efficiently presented and heard.*

*The Panel is asked to ensure that the process is as informal as possible and that the community is encouraged to participate. This is not intended to be an adversarial process. Therefore whilst the Panel may determine its own procedure, it must:*

- a. avoid unnecessary formality;*
- b. recognise tikanga Maori where appropriate;*
- c. not permit any person other than the Chairperson or other member of the Panel to question any person making comment;*
- d. not permit cross-examination.*

*If a person providing comment attends with an expert to support their comments, the Panel shall consider whether the expert should be invited to attend an appropriate expert workshop.*

#### ***Hui***

*The legislation requires that iwi authorities be consulted. Any Maori, tangata whenua or other iwi representative is able and welcome to participate in the public hearing process. In relation to the authorities for the eight iwi with an interest in the Marlborough Sounds (Te Ātiawa, Ngāti Rarua, Ngāti Kōata, Ngāti Tama, Ngāti Apa, Ngāti Toa, Ngāti Kuia and Rangitāne) the Panel may wish to consider whether hui are held where those iwi authorities that wish to attend can speak to the Panel.*

3. We have also been informed by the statutory imperatives in s 21 of the Resource Management Act 1991:

**21. Avoiding unreasonable delay**

*Every person who exercises or carries out functions, powers, or duties, or is required to do anything, under this Act for which no time limits are prescribed shall do so as promptly as is reasonable in the circumstances.*

4. We are of the view that the most practical manner of addressing our hearing task, is to use a process of reading of most materials in advance by the Advisory Panel, so that the focus at the hearing is on those who have made comments emphasising the principal points they wish to make.
5. Having regard to the foregoing we have decided that some procedural directions are required and these are now set out below.

**Procedural Directions**

6. We intend to conduct the hearings process generally as follows:

**Hearing processes**

- (a) The hearings will commence at **9 a.m. on Monday 10 April, 2017** at Marlborough Convention Centre, 65 Alfred Street, Blenheim 7240 and will continue on the dates in April and May 2017, specified in the hearings schedule **attached** commencing at **9 a.m.** each day. This may change as we move through the hearings process.
- (b) On 10 April the Chair will make an opening statement to any persons who wish to attend, and opportunity will then be provided for any preliminary procedural or other issues to be raised.
- (c) The first person to be heard after those matters are concluded will be the proponent of the proposed plan change by regulation being the Ministry for Primary Industries, followed by the Marlborough District Council as the administering body of the affected Plan, then any of those persons who have made written comments in support of the proposal.
- (d) The next set of those wishing to be heard will be those who are neither opposing nor supporting the proposal but wish to bring specific matters to our attention. They will be followed by those opposing the proposal.

- (e) Prior to or over the course of the hearings, arrangements will be made with those iwi who have filed written comments to make their oral presentation at hui on a marae, or in the normal course of hearings.
- (f) Opportunity for limited focused responses will finally be provided to the Ministry for Primary Industries and Marlborough District Council.

#### Information for Panel

- (g) Those who have made a written comment and who wish to be heard are to present all their information to the Advisory Panel prior to the date of hearing of which they are advised for their presentation. This is to be done preferably, if at all possible, in digital form to assist with circulation of that information to the Advisory Panel to enable its members to read the materials in advance.
- (h) As the time available is limited before 10 April a staggered period of time requirements for lodging of information is set out below.
- (i) In the interests of time each person who has made a written comment is to present orally within a one hour time limit for each written comment. This may have to be revised as the hearings progress.
- (j) If requests for extra time allotments are to be made by any person requiring more time, such requests will need to be supported by compelling reasons as to why each request should be allowed, and how much extra time is sought for oral presentation. The intention is for decisions on these requests to be made on the first day, 10 April 2017, when procedural issues are opened up for input.
- (k) The hearings coordinator will notify hearing dates, times and venues to generally enable that process to be followed. Persons who have made written comments will be notified in advance by phone and in writing by staff running the hearings of the date they are expected to attend and present any information they wish to present in support of their comment.
- (l) Contact with the hearings coordinator, Louise Walker, can be made through:

Email: salmonfarmhearing@gmail.com

Phone: 021 02720973

#### Staggered timetable for lodging information

- (m) Those persons to be heard on 10, 11 or 12 April are to lodge their information with the hearings staff no later than 5 p.m. Friday 7 April, 2017.
- (n) Those persons to be heard on 18 or 19 April are to lodge their information with the hearings staff no later than 5 p.m. Tuesday 11 April, 2017.
- (o) Those persons to be heard on 1, 2 or 3 May are to lodge their information with the hearings staff no later than 5 p.m. Wednesday 20 April, 2017.
- (p) Those persons to be heard on any other later date in May are to lodge their information with the hearings staff no later than 5 p.m. on the day seven days prior to the date they are advised they are to be heard.

#### Conclusion

7. Finally, we repeat that time has been provided at the very commencement of the hearing process on 10 April to address any procedural or housekeeping issues, before the hearing commences with the presentation of the proposal. Throughout the hearings, the discretion as to hearing and hui processes to be followed will remain open to us. One such matter which may yet be required may involve separate discussions between expert witnesses if their expert opinions are contradictory on significant issues.

**Dated** 31 March, 2017



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P R Skelton

**Peter Skelton**  
**Hearing Panel Chair**

**Marlborough Salmon Relocation Advisory Panel**


**Hearing Schedule**

Venue: Marlborough Convention Centre, 65 Alfred Street, Blenheim

Start time: 9:00 am

Dates:

April						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>10</b>	<b>11</b>	<b>12</b>	13	14	15	16
17	<b>18</b>	<b>19</b>	20	21	22	23
24	25	26	27	28	29	30
May						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>1</b>	<b>2</b>	<b>3</b>	4	5	6	7
<b>8</b>	<b>9</b>	10	11	12	13	14
<b>15</b>	<b>16</b>	<b>17</b>	18	19	20	21
22	23	24	25	26	27	28

 = Hearing