

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

Lake Rotorua Nutrient Management – Proposed Plan Change 10 to the Bay of Plenty Regional Water and Land Plan under Clause 8B of Schedule 1 to the Resource Management Act 1991.

Date: 1 February 2017

MEMORANDUM 4 - FURTHER DIRECTIONS AS TO THE CONDUCT OF THE HEARING

Introduction

[1] In memorandum 1 dated 11 October 2016, we gave general directions as to the conduct of the hearing. In the interests of ensuring an efficient and fair hearing, we make further directions as set out below.

Karakia

[2] It is proposed that the proceedings will open with a karakia at the commencement of each week, and finish with a karakia at the completion of the hearing for that week.

Order of Appearance

[3] The order of appearance before the panel shall be as follows:

- [a] The Regional Council shall commence the hearing by opening submissions from their counsel followed by the presentation of the Planner's Section 42A report and the Council's expert witnesses (including the expert witnesses who have compiled the Section 42A report);
 - [b] Submitters who support the Regional Council's proposal and who have provided expert evidence, will follow with opening submissions of counsel or their representatives followed by the presentation of their expert witnesses;
 - [c] Submitters who oppose any part of the proposed plan change, and who have provided expert evidence will then follow, with opening submissions of counsel or their representatives followed by the presentation of their expert witnesses;
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- [d] Submitters who wish to be heard and who support the Regional Council's proposal, will then follow by presenting their representations/submissions;
- [e] Submitters who oppose any part of the proposed plan change and who wish to be heard will then follow by presenting their representations/submissions;
- [f] The order of appearance where there are a number of submitters in the groups identified above shall be determined by the Committee Advisor after discussion with those submitters.

Group Submitters

[4] We note from the submissions that a number of submitters have similar, if not identical issues. In the interests of efficiency, we urge those submitters to combine jointly in the presentation of their representations/submissions to the panel.

[5] Submitters who propose to make joint representations/submissions are to advise the Committee Advisor (nora.moore@boprc.govt.nz) by **Friday, 24 February 2017**.

Presentation of Material at Hearing

[6] Counsels or representatives' submissions to the panel are to be in writing, and ten (10) printed copies of their submissions are to be provided to the Committee Advisor **by 6 March 2017**. Counsel may address their submissions at the hearing but are not to read them as they will have been pre-read.

[7] All expert witnesses who lodged evidence, are to present themselves at the hearing in person, unless an application for an alternative means of presentation is allowed, following any application.

[8] All expert witnesses are to commence their evidence by reading a succinct summary of the main issues contained in their written evidence. Such summary is not to exceed 15 minutes.

[9] Ten (10) copies of the expert witnesses' summaries are to be provided to the Committee Advisor.

[10] The authors of the Section 42A report are not required to give an executive summary of their evidence contained in the report but those who have also given expert evidence, are required to give a succinct summary of their evidence. The Council planner may speak to the report if she so wishes.

[11] All submitters making a representation/submission to the panel shall supply ten (10) printed copies of their representation/submission to the Committee Advisor **by 6 March 2017** and may address them at the hearing.

[12] In memorandum 1 we made provision for a reply hearing on Monday, 3 and Tuesday, 4 April 2017. We propose to give directions relating to the conduct of the reply hearing at the completion of the first two weeks of the hearing.

Questions through the Chair

[13] In our memorandum dated 11 October 2016, we indicated in Paragraph 21 that there will be no right to cross examine but that members of the panel may ask questions of the submitters and witnesses. In the interests of fairness, we propose to allow a limited right of the parties to ask questions of clarification only through the Chair.

Caucusing of Experts

[14] In paragraph 17 of our memorandum dated 11 October 2016, we indicated that we may direct experts to caucus on matters in dispute. To enable this to be done, we direct that any submitter calling an expert witness is to advise the Committee Advisor, **on or before 5 pm Wednesday, 8 February 2017**, the name of any such witness and their area of expertise.

Website

[15] All information relevant to the hearing will be made available on the Regional Council's website: www.boprc.govt.nz/pc10hearings. The schedule of time limits is:

8 February 2017	Submitters to advise expert witness details for caucusing to Council by 5.00 pm.
22 February 2017	Submitters to provide any expert evidence to Council by 5.00 pm.
24 February 2017	Submitters to advise if they propose to make joint representations.
6 March 2017	Submitters to advise if there are any particular sites or localities that the Panel should specifically visit. To provide the reason and a map.
6 March 2017	Rebuttal evidence to be filed by the Council.
6 March 2017	Submitters (including counsel) to provide copies of evidence, representations or other material to be presented at the hearing.
13-17 March 2017	Public Hearing
20-24 March 2017	Public Hearing
3-4 April 2017	Public Hearing

Retired Judge RG Whiting

Chairman

For and on behalf of the Hearing Commissioners