

MEMORANDUM



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: 11 October 2016

MEMORANDUM OF THE HEARING COMMISSIONERS

Introduction

1. At its meeting on **30 June 2016** the Bay of Plenty Regional Council (“the Council”) under Section 34A of the Resource Management Act 1991 (“the Act”) appointed us to be Independent Hearing Commissioners. The Council delegated to us the functions and duties of holding a hearing into submissions on its proposed Plan Change 10: Lake Rotorua Nutrient Management (“PC10”), and make recommendations to Council on the submissions.
2. The Hearing Commissioners are:
 - Retired Judge Gordon Whiting (Chair)
 - Mr Rauru Kirikiri
 - Dr Brent Cowie (Deputy Chair)
 - Ms Gina Sweetman
3. The Hearing Commissioners have no conflicts of interest to declare.
4. We intend to manage the hearing efficiently, and to give each submitter sufficient opportunity to explain the basis for their submission.

Directions

5. This Memorandum sets out our directions for the conduct of the public hearing.
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Website

6. All information relevant to the hearing will be made available on the Council website: www.boprc.govt.nz/pc10hearings. Submitters who are to be heard will need to check the website to access all information.

Service on the Council

7. Any information or evidence required under this Memorandum, and any Memorandum or Application to the Hearing Commissioners, may be served:
 - in writing addressed to the **Bay of Plenty Regional Council, PO Box 364, Whakatane 3158**, marked for the attention of the Committee Advisor, Nora Moore; or
 - by delivery to the **Bay of Plenty Regional Council, 87 First Avenue, Tauranga**; or
 - by email to Nora.moore@boprc.govt.nz

Section 42A report

8. We have directed that the Council prepare and file a Section 42A report which will be made available on the website on **20 January 2017**. A Section 42A report is Council's response to the submissions and further submissions, and will contain recommended amendments to the Plan to the Commissioners. Any evidence that Council wishes to adduce in support of the Plan Change is to be made available on the website on **20 January 2017**.

Confirming that you wish to be heard

9. Submitters who wish to be heard at the public hearing must confirm their intention and availability to the Committee Advisor, Nora Moore no later than **20 January 2017**, and advise:
 - the time allocation they seek to speak to their submission and/or call evidence;
 - whether they have any special needs;
 - whether they intend to call expert evidence (including any planning witness);
 - the name of any expert witness they propose to call.

10. All submitters intending to attend the hearing are to complete the attached hearing status form (Attachment One) and return it to the Committee Advisor, Nora Moore by **20 January 2017**.

Site visits

11. On Monday, 19 September 2016 we undertook a visit to the locality generally affected by PC10. The purpose of this visit was to enable us to better understand the evidence to be adduced.
12. We propose to carry out further site visits if the circumstances so warrant. Should any party wish to draw to our attention any particular sites or localities they think we should specifically visit, then they should do so in writing (with reasons and an accompanying map, if necessary) before **6 March 2017**. Any such material should be sent to the Committee Advisor, Nora Moore.

The public hearing

13. The public hearing will commence at **9.30 am** on **13 March 2017** at the Millennium Hotel, 1270 Hinemaru Street, Rotorua and continue as follows:

Monday, 13 March – Friday, 17 March 2017

Monday, 20 March – Friday, 24 March 2017

Monday, 3 April - Tuesday, 4 April 2017

The hearing plan and schedule

14. A hearing plan and schedule will be emailed to submitters and posted to the website showing the date, sequence and time allocation granted to each submitter.
15. Time allocations will be set in light of each submitter's submission, evidence (if any) and the time estimated provided pursuant to [9] of this Memorandum.

Provision of expert witnesses

16. Submitters who intend to call expert evidence must provide a brief of evidence for each witness in accordance with the following timetable:
- a. Evidence-in-chief is to be received at the Council by **5.00 pm** on **22 February 2017**. The briefs of expert witnesses will be made available to submitters on the website.
 - b. Rebuttal evidence by the Council is to be filed and made available to all submitters and on the website by **5.00 pm** on **6 March 2017**.

Caucusing of expert witnesses

17. In the event that there are matters in dispute as between the experts of any particular discipline, we may direct that the issues in dispute be considered by the experts at a caucusing session in an endeavour to reach agreement on those issues, or alternatively narrow the issues and give reasons as to why they are in disagreement.

Provision of other evidence at hearing

18. Any person who wishes to present evidence, representations or other material at the hearing, in support of their submission must provide either printed or electronic copies to the Committee Advisor, Nora Moore by **6 March 2017**.

The hearing procedure

19. We are required to conduct the public hearing in a manner which is appropriate and fair, but without unnecessary formality. Subject to adequate notice, we will receive evidence written or spoken in te reo Māori.
20. We will read submissions and evidence in advance and take such materials as read, so time allocations will be fixed to enable submitters to speak to their submission.
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21. There will be no right to cross-examine, but we may question submitters and witnesses.

22. We propose to follow the sitting times:

- a. Start time 9.30 am;
- b. Morning tea break from 11.00 am-11.15 am;
- c. Lunch break from 1.00 pm-2.00 pm;
- d. Afternoon tea break from 3.30 pm-3.45 pm
- e. Closing time 5.00 pm with the exception of hearing days held on a Friday which will close at 3.00 pm.

23. Any documentation presented at the hearing is to be printed double sided, stapled and two-hole punched, with ten (10) copies provided.

Evidence in te reo Māori

24. If any party wishes evidence to be presented in te reo Māori they are to advise the Committee Advisor, Nora Moore, by **20 January 2017**.

25. If any party wishes evidence to be heard on a marae, they are to advise the Committee Advisor, Nora Moore, by **20 January 2017**. The Committee Advisor will then undertake a consultation in order to arrange an appropriate protocol.

Schedule of time limits

20 January 2017	Submitters to advise if they wish to be heard at the hearing (complete Attachment One – Hearing Status Form).
20 January 2017	Submitters to advise if they wish to present evidence in te reo Māori.
20 January 2017	Submitters to advise if they wish to be heard on a marae.
20 January 2017	Council's Section 42A Report will be available on the Website.
22 February 2017	Submitters to provide Evidence-in-chief to Council by 5.00 pm
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 to provide copies of evidence, representations or other material to be heard 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