

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 March 2017

MEMORANDUM NO 5 – CAUCUSING OF EXPERT WITNESSES / HEARING SCHEDULE

Introduction

[1] This memorandum is filed to address two matters:

- [a] the caucusing of expert witnesses; and
- [b] the hearing schedule.

Caucusing of Expert Witnesses

[2] In memoranda 1 and 4 we indicated that we may direct experts to caucus on matters in dispute.

[3] We have received evidence from a number of expert witnesses on behalf of submitters.

[4] It is clear from this evidence that caucusing would be beneficial to an efficient hearing process. However, because of the tight timeframes, and the need for the Council to file rebuttal evidence, we do not consider it to be realistic for the expert witnesses to caucus between now and the hearing.

[5] This does not mean that expert witnesses do not caucus voluntarily or discuss their evidence in an informal way, in an endeavour to narrow the issues. We encourage the expert witnesses to do so if they consider it appropriate.

[6] We may direct caucusing of expert witnesses at the hearing or during the time available between the completion of the hearing and the commencement of the reply hearing, if considered appropriate.

Hearing Schedule

[7] We have received a memorandum from Federated Farmers concerning the hearing schedule that was posted on the BOPRC website on Monday, 27 February 2017. That schedule had been prepared by Council Officers without any input from the Panel, and was posted on the website without the approval of the Panel. It is therefore to be disregarded.

[8] We have instructed the Committee Advisor to prepare a further hearing schedule and have given instructions to what we consider to be appropriate timeframes. This hearing schedule will be posted on the website when it is completed.

[9] We assure all submitters that we will endeavour to put in place a schedule that gives them every opportunity to adequately present their cases to the Panel in accordance with natural justice.

Retired Judge RG Whiting

Chairman

For and on behalf of the Hearing Commissioners
