

IN THE MATTER

Lake Rotorua Nutrient Management
Proposed Plan Change 10.

**APPEARANCES IN CHRONOLOGICAL ORDER
AND TABLED DOCUMENTS AND REPORTS SCHEDULE**

Dated 29 June 2017

Table of Contents

PART A: HEARING APPEARANCES	8
1 Day 1: Monday, 13 March 2017	8
1.1 BAY OF PLENTY REGIONAL COUNCIL.....	8
(a) Ms Sharron Wooler, Legal Counsel.....	8
(b) Expert Witnesses:.....	8
(i) Mr Stephen Lamb, Planning context and process	8
(ii) Ms Gemma Moleta, Māori allocation	8
(iii) Mr Andrew Bruere, Overview of science and restoration initiatives	8
2 Day 2: Tuesday, 14 March 2017	8
2.1 BAY OF PLENTY REGIONAL COUNCIL.....	8
(a) Ms Sharron Wooler, Legal Counsel, Matters of Late Expert Evidence and Scope of Evidence.....	8
(b) Expert Witnesses:.....	8
(i) Mr Andrew Bruere	8
(ii) Professor Graeme Doole, Economic impacts at catchment level	8
(iii) Professor David Hamilton, Lake Rotorua water quality	8
(iv) Ms Sandra Barns, Economic analysis and social impacts.....	8
(v) Ms Nicola Smith, Economic Impacts – District and regional.....	8
3 Day 3: Wednesday, 15 March 2017	8
3.1 BAY OF PLENTY REGIONAL COUNCIL.....	8
(a) Expert Witnesses:.....	8
(i) Ms Nicola Smith.....	8
(ii) Professor David Hamilton.....	9
(iii) Dr James Rutherford, Current catchment loads - ROTAN.....	9
(iv) Mr Lee Matheson, Meeting nutrient loss targets on dairy farms	9
(v) Mr Alastair MacCormick, OVERSEER.....	9

3.2	SUBMITTERS	9
(a)	Mr Chris Hook	9
(b)	Expert Witness:	9
(i)	Dr Phillip Schofield	9
3.3	BAY OF PLENTY REGIONAL COUNCIL.....	9
(a)	Expert Witness:	9
(b)	Mr Simon Park, The use of OVERSEER	9
4	Day 4: Thursday, 16 March 2017	9
4.1	BAY OF PLENTY REGIONAL COUNCIL.....	9
(a)	Expert Witnesses:.....	9
(i)	Mr Simon Park.....	9
(ii)	Mr Stephen Lamb, Cultural.....	9
(iii)	Ms Rebecca Burton, Section 42A Report	9
4.2	SUBMITTERS	9
(a)	The Fertiliser Association, Ms Bethany Bennie	9
(b)	Ravensdown, Mr Chris Hanson and Ms Anna Wilks	9
(c)	Rotorua District Residents and Ratepayers, Dr Reynold Macpherson and Mr Rex Charleton	9
5	Day 5: Friday, 17 March 2017	10
5.1	SUBMITTERS	10
(a)	Oturoa Properties Ltd, Mr Tony Cairns.....	10
(b)	Waitetī Farms Ltd, Waitetī Whenua Trust, Ms Hera Naera	10
(c)	Whakapoungakau Aggregated Lands, Ms Hera Naera	10
(d)	Ngāti Whakaue Tribal Lands Inc, Ms Tina Ngatai	10
(e)	Mr Paul Barton	10
(f)	Lakes Water Quality Society, Mr Don Atkinson	10
6	Day 6: Monday, 20 March 2017	10
6.1	SUBMITTERS	10

(a)	Lakes Water Quality Society, Mr Don Atkinson	10
(b)	Mr Maxwell Douglas	10
(c)	Lake Rotorua Primary Producers' Collective, Mrs Gisele Schweizer and Mrs Chris Paterson.....	10
(d)	Mr Tony and Mrs Joanna Carr.....	10
(e)	Mr Jim and Mrs Barbara Hitchcock.....	10
(f)	PF Olsen Ltd and Hancock Forestry Management, Mr Kit Richards	10
(g)	NZ Deer Farmers' Association, Ms Sharon Love	10
7	Day 7: Tuesday, 21 March 2017	10
7.1	SUBMITTERS	10
(a)	Gro2, Mr and Mrs Robbie Moore.....	10
(b)	Mr Jack and Mrs Shelley Butterworth, Mr John and Mrs Nicole Butterworth	10
(c)	Mr Neil Heather	10
(d)	Northdale Holdings Ltd, Everard Developments Ltd, Mr and Mrs R W (Bob) Martin.....	11
(e)	Mr Chris Sutton	11
(f)	Mr Murray and Mrs Robynne Pearce.....	11
(g)	Dibley Holdings, Awaglen Trust Partnership, Mr Mark Dibley	11
(h)	Mr Jamie and Mrs Chris Paterson	11
8	Day 8: Wednesday, 22 March 2017	11
8.1	SUBMITTERS	11
(a)	Ms Sharon Morrell	11
(b)	Scion (NZ Forest Research Institute Ltd), Mr Warren Parker	11
(c)	Beef and Lamb New Zealand, Ms Corina Jordan	11
(d)	Mr John and Mrs Wendy Roe.....	11
(e)	Brown Owl Organics Ltd, Ms Jenny Lux.....	11
(f)	Mr Stuart Morrison.....	11
9	Day 9: Monday, 3 April 2017	11
9.1	SUBMITTERS	11

(a)	Rotorua Lakes Council	11
(i)	Mr Lachlan Muldowney and Ms Theresa Le Bas, Legal Counsel for Rotorua Lakes Council	11
(ii)	Expert Witnesses:.....	11
(b)	Dairy New Zealand and Fonterra.....	12
(i)	Ms Justine Young, Legal Counsel	12
10	Day 10: Tuesday, 4 April 2017	12
10.1	SUBMITTERS	12
(a)	Dairy New Zealand and Fonterra.....	12
(i)	Ms Justine Young, Legal Counsel	12
(ii)	Expert Witnesses:.....	12
(b)	Mr Lachlan McKenzie	12
(c)	CNI Iwi Land Management Ltd	12
(i)	Mr Alamoti Te Pou (Chief Executive).....	12
(ii)	Ms Bridget Robson, Planning	12
(d)	Bushlands Estate Ltd and Adolle Farms Ltd,.....	12
(i)	Mr Peter and Mrs Gisele Schweizer; and	12
(ii)	Mr Mark and Mrs Donna Keaney.....	12
11	Day 11: Tuesday, 18 April 2017	12
11.1	SUBMITTERS	12
(a)	CNI Iwi Land Management Ltd,	12
(i)	Ms Bridget Robson, Planning	12
11.2	BAY OF PLENTY REGIONAL COUNCIL.....	12
(a)	Ms Sharron Wooler, Legal Counsel.....	13
(b)	Report from Joint Expert Caucusing, Economics	13
(c)	Mr Karl Weaver	13
(d)	Mr Max Winders	13
(e)	Mr Robin Boom and Ms Anna Mayne.....	13

12	Day 12: Wednesday, 19 April 2017	13
12.1	SUBMITTERS	13
(a)	Ngāti Uenukukōpako Iwi Trust, Messrs Nireaha Pirika and Ralph Mosen	13
(b)	Parekarangi Trust, Messrs James Warbrick and Mark Johnston	13
(c)	Mr Kevin and Mrs Janette Davenport	13
(d)	Mr Lindsay Moore.....	13
13	Day 13: Thursday, 20 April 2017	13
13.1	SUBMITTERS	13
(a)	Federated Farmers New Zealand, Ms Nikki Edwards Legal Counsel	13
(b)	Expert Witness	13
14	Day 14: Wednesday, 3 May 2017	13
14.1	SUBMITTERS	13
(a)	Arahiwi Farms, Mr Craig Hurst	13
(b)	Oakridge Equestrian, Mr Grant Stewart.....	13
(c)	Kāingaroa Timberlands, Mr Colin Maunder	13
(d)	Ballance Agri-Nutrients, Mr Kevin Wood	13
15	Day 14: Thursday, 4 May 2017	14
15.1	SUBMITTERS	14
(a)	D & A Trust, Mr Don Hammond.....	14
(b)	Ms Andrea Hammond.....	14
15.2	BAY OF PLENTY REGIONAL COUNCIL, CLOSING REPLY	14
(a)	Ms Sharron Wooler, Legal Counsel for Bay of Plenty Regional Council...	14
(b)	Expert Witnesses.....	14
(i)	Mr Stephen Lamb.....	14
(ii)	Mr Andrew Bruere	14
(iii)	Mr Alastair MacCormick	14
(iv)	Ms Gemma Moleta	14
(v)	Ms Rebecca Burton	14

(vi) Ms Sandra Barns..... 14

PART B: TABLED DOCUMENTS SCHEDULE.....15

Day 1: Monday, 13 March 2017 15
Day 2: Tuesday, 14 March 2017 15
Day 3: Wednesday, 15 March 2017 15
Day 4: Thursday, 16 March 2017 16
Day 5: Friday, 17 March 2017 16
Day 6: Monday, 20 March 2017 16
Day 7: Tuesday, 21 March 2017 16
Day 8: Wednesday, 22 March 2017 17
Day 9: Monday, 3 April 2017 17
Day 10: Tuesday 4 April 2017 18
Day 11: Tuesday, 18 April 2017 18
Day 11: Wednesday, 19 April 2017 18
Day 12: Thursday, 20 April 2017 19
Day 14: Wednesday 3 May 2017 19
Day 15: Thursday 4 May 2017 19

**PART C: FURTHER INFORMATION FILED WITH THE HEARING
PANEL20**

Further information filed with the Hearing Panel20

PART D: APPLICATIONS FOR LEAVE.....23

PART A: HEARING APPEARANCES

1 Day 1: Monday, 13 March 2017

1.1 BAY OF PLENTY REGIONAL COUNCIL

(a) Ms Sharron Wooler, Legal Counsel

(b) Expert Witnesses:

(i) Mr Stephen Lamb, Planning context and process

(ii) Ms Gemma Moleta, Māori allocation

(iii) Mr Andrew Bruere, Overview of science and restoration initiatives

2 Day 2: Tuesday, 14 March 2017

2.1 BAY OF PLENTY REGIONAL COUNCIL

(a) Ms Sharron Wooler, Legal Counsel, Matters of Late Expert Evidence and Scope of Evidence

(b) Expert Witnesses:

(i) Mr Andrew Bruere

(ii) Professor Graeme Doole, Economic impacts at catchment level

(iii) Professor David Hamilton, Lake Rotorua water quality

(iv) Ms Sandra Barns, Economic analysis and social impacts

(v) Ms Nicola Smith, Economic Impacts – District and regional

3 Day 3: Wednesday, 15 March 2017

3.1 BAY OF PLENTY REGIONAL COUNCIL

(a) Expert Witnesses:

(i) Ms Nicola Smith

- (ii) Professor David Hamilton
- (iii) Dr James Rutherford, Current catchment loads - ROTAN
- (iv) Mr Lee Matheson, Meeting nutrient loss targets on dairy farms
- (v) Mr Alastair MacCormick, OVERSEER

3.2 SUBMITTERS

- (a) Mr Chris Hook
- (b) Expert Witness:
 - (i) Dr Phillip Schofield

3.3 BAY OF PLENTY REGIONAL COUNCIL

- (a) Expert Witness:
- (b) Mr Simon Park, The use of OVERSEER

4 **Day 4: Thursday, 16 March 2017**

4.1 BAY OF PLENTY REGIONAL COUNCIL

- (a) Expert Witnesses:
 - (i) Mr Simon Park
 - (ii) Mr Stephen Lamb, Cultural
 - (iii) Ms Rebecca Burton, Section 42A Report

4.2 SUBMITTERS

- (a) The Fertiliser Association, Ms Bethany Bennie
- (b) Ravensdown, Mr Chris Hanson and Ms Anna Wilks
- (c) Rotorua District Residents and Ratepayers, Dr Reynold Macpherson and Mr Rex Charleton

5 **Day 5: Friday, 17 March 2017**

5.1 SUBMITTERS

- (a) Oturoa Properties Ltd, Mr Tony Cairns
- (b) Waitetī Farms Ltd, Waitetī Whenua Trust, Ms Hera Naera
- (c) Whakapoungakau Aggregated Lands, Ms Hera Naera
- (d) Ngāti Whakaue Tribal Lands Inc, Ms Tina Ngatai
- (e) Mr Paul Barton
- (f) Lakes Water Quality Society, Mr Don Atkinson

6 **Day 6: Monday, 20 March 2017**

6.1 SUBMITTERS

- (a) Lakes Water Quality Society, Mr Don Atkinson
- (b) Mr Maxwell Douglas
- (c) Lake Rotorua Primary Producers' Collective, Mrs Gisele Schweizer and Mrs Chris Paterson
- (d) Mr Tony and Mrs Joanna Carr
- (e) Mr Jim and Mrs Barbara Hitchcock
- (f) PF Olsen Ltd and Hancock Forestry Management, Mr Kit Richards
- (g) NZ Deer Farmers' Association, Ms Sharon Love

7 **Day 7: Tuesday, 21 March 2017**

7.1 SUBMITTERS

- (a) Gro2, Mr and Mrs Robbie Moore
- (b) Mr Jack and Mrs Shelley Butterworth, Mr John and Mrs Nicole Butterworth
- (c) Mr Neil Heather

- (d) Northdale Holdings Ltd, Everard Developments Ltd, Mr and Mrs R W (Bob) Martin
- (e) Mr Chris Sutton
- (f) Mr Murray and Mrs Robynne Pearce
- (g) Dibley Holdings, Awaglen Trust Partnership, Mr Mark Dibley
- (h) Mr Jamie and Mrs Chris Paterson

8 Day 8: Wednesday, 22 March 2017

8.1 SUBMITTERS

- (a) Ms Sharon Morrell
- (b) Scion (NZ Forest Research Institute Ltd), Mr Warren Parker
- (c) Beef and Lamb New Zealand, Ms Corina Jordan
- (d) Mr John and Mrs Wendy Roe
- (e) Brown Owl Organics Ltd, Ms Jenny Lux
- (f) Mr Stuart Morrison

9 Day 9: Monday, 3 April 2017

9.1 SUBMITTERS

- (a) Rotorua Lakes Council
 - (i) Mr Lachlan Muldowney and Ms Theresa Le Bas, Legal Counsel for Rotorua Lakes Council
 - (ii) Expert Witnesses:
 - (i) Mr Phil Osborne, Economics
 - (ii) Mr Simon Banks, Infrastructure
 - (iii) Mr James Fuller, Planning

(iv) Mr Grant Eccles, Planning

(b) Dairy New Zealand and Fonterra

(i) Ms Justine Young, Legal Counsel

10 **Day 10: Tuesday, 4 April 2017**

10.1 SUBMITTERS

(a) Dairy New Zealand and Fonterra

(i) Ms Justine Young, Legal Counsel

(ii) Expert Witnesses:

(i) Ms Carla Muller, Economics

(ii) Mr Richard Allen, OVERSEER

(iii) Dr Thomas Stephens, Water quality

(b) Mr Lachlan McKenzie

(c) CNI Iwi Land Management Ltd

(i) Mr Alamoti Te Pou (Chief Executive)

(ii) Ms Bridget Robson, Planning

(d) Bushlands Estate Ltd and Adolle Farms Ltd,

(i) Mr Peter and Mrs Gisele Schweizer; and

(ii) Mr Mark and Mrs Donna Keaney

11 **Day 11: Tuesday, 18 April 2017**

11.1 SUBMITTERS

(a) CNI Iwi Land Management Ltd,

(i) Ms Bridget Robson, Planning

11.2 BAY OF PLENTY REGIONAL COUNCIL

- (a) Ms Sharron Wooler, Legal Counsel
- (b) Report from Joint Expert Caucusing, Economics
- (c) Mr Karl Weaver
- (d) Mr Max Winders
- (e) Mr Robin Boom and Ms Anna Mayne

12 **Day 12: Wednesday, 19 April 2017**

12.1 SUBMITTERS

- (a) Ngāti Uenukukōpako Iwi Trust, Messrs Nireaha Pirika and Ralph Mosen
- (b) Parekarangi Trust, Messrs James Warbrick and Mark Johnston
- (c) Mr Kevin and Mrs Janette Davenport
- (d) Mr Lindsay Moore

13 **Day 13: Thursday, 20 April 2017**

13.1 SUBMITTERS

- (a) Federated Farmers New Zealand, Ms Nikki Edwards Legal Counsel
- (b) Expert Witness
 - (i) Ms Elizabeth McGruddy

14 **Day 14: Wednesday, 3 May 2017**

14.1 SUBMITTERS

- (a) Arahiwi Farms, Mr Craig Hurst
- (b) Oakridge Equestrian, Mr Grant Stewart
- (c) Kāingaroa Timberlands, Mr Colin Maunder
- (d) Ballance Agri-Nutrients, Mr Kevin Wood

15 **Day 14: Thursday, 4 May 2017**

15.1 SUBMITTERS

(a) D & A Trust, Mr Don Hammond

(b) Ms Andrea Hammond

15.2 BAY OF PLENTY REGIONAL COUNCIL, CLOSING REPLY

(a) Ms Sharron Wooler, Legal Counsel for Bay of Plenty Regional Council

(b) Expert Witnesses

(i) Mr Stephen Lamb

(ii) Mr Andrew Bruere

(iii) Mr Alastair MacCormick

(iv) Ms Gemma Moleta

(v) Ms Rebecca Burton

(vi) Ms Sandra Barns

PART B: TABLED DOCUMENTS SCHEDULE

Day 1: Monday, 13 March 2017		
1.	Memorandum on Behalf of Federated Farmers dated 12 March 2017	Submitter #75/FS12
2.	Legal Submissions dated 6 March 2017	BOPRC
3.	Case Law Decision No [2015] NZEnvC 100 TKC Holdings Ltd and Matakana Island Investment Groups Ltd and Blakely Pacific Ltd and Carrus Corporation Ltd, Appellants and Western Bay of Plenty District Council, Respondent	BOPRC
4.	Summary of Evidence, Stephen Lamb	BOPRC
5.	Attachment A - Iwi Resource Management Policies	BOPRC
6.	Summary of Evidence/Rebuttal Statements, Alastair MacCormick	BOPRC
7.	Summary of Evidence/Rebuttal Statements, Andrew Bruere	BOPRC
8.	Summary of Evidence/Rebuttal Statements, Professor David Hamilton	BOPRC
9.	Summary of Evidence/Rebuttal Statements, Professor Graeme Doole	BOPRC
10.	Summary of Evidence/Rebuttal Statements, Dr James Rutherford, Presentation	BOPRC
11.	Summary of Evidence/Rebuttal Statements, Lee Matheson	BOPRC
12.	Summary of Evidence/Rebuttal Statements, Nicola Smith	BOPRC
13.	Summary of Evidence/Rebuttal Statements, Rebecca Burton	BOPRC
14.	Summary of Evidence/Rebuttal Statements, Sandra Burns	BOPRC
15.	Summary of Evidence/Rebuttal Statements, Simon Park	BOPRC
16.	Memorandum on behalf of Behalf of BOPRC dated 10 March 2017 regarding Memorandum 7 and 8 of the Hearing Panel and expert evidence received from submitters	BOPRC
Day 2: Tuesday, 14 March 2017		
17.	Further information filed by BOPRC – Maps – Land use for maori land, land use capability classes for maori land, bush and scrub, landuse for maori land – excluding settlement land (Gemma Moleta)	BOPRC
18.	Attachment B – Decision No [2015] NZEnvC 100 TKC Holdings Ltd and Matakana Island Investment Groups Ltd and Blakely Pacific Ltd and Carrus Corporation Ltd, Appellants and Western Bay of Plenty District Council, Respondent	BOPRC
Day 3: Wednesday, 15 March 2017		
19.	Updated Summary Evidence of Rebbeca Burton for BOPRC	BOPRC
20.	Christopher Hook, Presentation and Summary of Evidence	Submitter # 90/FS01
21.	Attachment A – Reduction of Nitorgen and Phosphate fertiliser inputs while increasing pasture production	Submitter # 90/FS01
22.	Further information filed by BOPRC – National Policy Statement for Freshwater Management Implementation	BOPRC

Day 4: Thursday, 16 March 2017	
23. The Fertiliser Association, Summary of Evidence, Bethany Bennie	Submitter # 70/FS20
24. Ravensdown Ltd, Summary of Evidence and Presentation, Christopher Hansen	Submitter #43/FS19
25. Summary of Evidence, Gregory Sneath	Expert
26. Rotorua District Residents and Ratepayers, Summary of Evidence, Dr Reynold Macpherson and Rex Charleton	Submitter # 72
Day 5: Friday, 17 March 2017	
27. Oturoa Properties Ltd, Tony Cairns, Presentation and Summary of Evidence	Submitter # 50
28. Waitetī Frams Ltd, Waitetī Whenua Trust, Summary of Evidence, Hera Naera	Submitter # 85/FS9
29. Whakapoungakau Aggregated Lands, Summary of Evidence, Aaron Taikato	Submitter # 86
30. Ngāti Whakaue Tribal Lands Inc, Presentation and Summary of Evidence	Submitter # 37
31. Paul Barton, Presentation and Summary of Evidence	Submitter # 79
32. Lake Water Quality Society, Presentation and Summary of Evidence	Submitter # 14
33. Further information filed by BOPRC – Freshwater in the Bay of Plenty – Comparison against the National Framework Objectives	BOPRC
Day 6: Monday, 20 March 2017	
34. Maxwell Douglas, Summary of Evidence	Submitter # 58
35. Lake Rotorua Primary Producers' Collective, Presentation and Summary of Evidence	Submitter # 66
36. Attachment A – Collective Presentation for the StAG Meeting of 24 September 2015 re intergrated framework and the current version of the draft rules	
37. Tony and Joanna Carr, Presentation and Summary of Evidence	Submitter # 78
38. Jim and Barbara Hitchcock, Summary of Evidence	Submitter # 52
39. P F Olsen Ltd and Hancock Forestry Management, Kit Richards, Summary of Evidence	Submitter # 73/FS14
40. NZ Deer Farmers' Association, Sharon Love, Summary of Evidence	Submitter # 55
41. Further information filed by BOPRC, S Lamb – Area of benchmarked and non-benchmarked land by land use sector	BOPRC
42. Attachment A – AgFirst Letter dated 14 February 2017 re questions relating to changes in NDA allowances	
43. Attachment B – Email dated 16 September 2015 re corrections to information on draft rules	
Day 7: Tuesday, 21 March 2017	
44. Gro2, Robbie Moore, Presentation and Summary of Evidence	Submitter # 27
45. Shelley and Jack Butterworth, Presentation and Summary of Evidence	Submitter # 24

46. Neil Heather, Presentation and Summary of Evidence	Submitter # 16
47. Northdale Holdings Ltd, Everard Developments Ltd, R W (Bob) Martin Summary of Evidence	Submitter # 59
48. Chris Sutton, Summary of Evidence	Submitter # 34
49. Murray and Robynne Pearce, Summary of Evidence	Submitter # 15/FS17
50. Dibley Holdings, Awaglen Trust Partnership, Mark Dibley, Summary of Evidence	Submitter # 18
51. Jamie and Chris Paterson, Presentation and Summary of Evidence	Submitter # 81
52. Further information filed by BOPRC, S Lamb – EPA US Environmental Protection Agency - Preventing Eutrophication: Scientific Support for Dual Nutrient Criteria, February 2015	BOPRC
Day 8: Wednesday, 22 March 2017	
53. Sharon Morrell, Presentation and Summary of Evidence	Submitter # 62
54. Beef and Land New Zealand, Corina Jordan, Summary of Evidence	Submitter # 61
55. Scion – NZ Forest Research Institute Ltd, Warren Parker, Presentation and Summary of Evidence	Submitter # 71
56. Wendy and John Roe, Presentation and Summary of Evidence	Submitter # 4
57. Brown Owl Organics Inc, Jenny Lux, Summary of Evidence	Submitter # 21
58. Stuart Morrison, Summary of Evidence	Submitter # 82
Day 9: Monday, 3 April 2017	
59. Rotorua Lakes Council, Legal Submissions and Presentation	Submitter # 26
60. Attachment A – Decision no [2016] NZEnvC 191 – proposed Plan Change 72 (Rangiuru Business Park) to the Western Bay of Plenty District Plan and Bluehaven Management Ltd, Rotorua District Council, Appellants and Western Bay of Plenty District Council, Respondent	
61. Attachment B – High Court, Judgment of the Hon Justice Kōs CIV 2012-454-764 between Palmerston North City Council, Appellant and Motor Machinists Ltd, Respondent	
62. Attachment C – High Court, Reserved Judgement of William Young J AP 34/02 between Clearwater Resort Ltd and Canterbury Golf Internation Ltd, Appellant and Christchurch City Council, Respondent	
63. Affidavit of Geoffrey Williams Chief Executive for Rotorua Lakes Council (unsworn state due to illness)	
64. Summary of Evidence of Bethany Bennie for The Fertiliser Association of New Zealand to provide further information as requested by the Hearing Panel on 16 March 2017	Submitter # 70/FS20
65. Further Evidence for the BOPRC dated 2 April 2017	BOPRC
66. Attachment A – Report on non-benchmarked land allocation; addendum to the evidence of Stephen Lamb	
67. Attachment B – Lake Rotorua Catchment small block sector review	
68. Further Evidence for the BOPRC dated 31 March 2017 -	BOPRC
69. Attachment A – Report on agreed proposed amendments and outstanding issues relating to the Wastewater Treatment Plant	

70. Rotorua Lakes Council, Whiteboard notes, Presentation and Summary of Evidence	Submitter # 26
71. Phil Osborne, Summary of Evidence	Expert
72. Simon Banks, Summary of Evidence	Expert
73. James Fuller, Summary of Evidence	Expert
74. Grant Eccles, Summary of Evidence	Expert
75. Fonterra/Dairy New Zealand, Legal Submissions	Submitter # 64
76. Carla Muller, Summary of Evidence	Expert
77. Dr Thomas Stephens, Summary of Evidence	Expert
78. Richard Allen, Presentation and Summary of Evidence	Expert
79. CNI Iwi Holdings Ltd, Presentation and Summary of Evidence	Submitter # 49/FS6
80. Bridget Robson, Summary of Evidence	Expert
Day 10: Tuesday 4 April 2017	
81. Further Supplementary Statement of Evidence of Christopher Hansen for Ravensdown Ltd dated 3 April 2017 to provide further information requested by the Hearing Panel on 16 March 2017	Submitter #43/FS19
82. Dairy New Zealand and Fonterra, Legal Submissions	Submitter # 64
83. Attachment A – Industry-agreed Good Management Practicers relating to water quality, Canterbury Matrix of Good Management Project, 9 April 2015	
84. Dr Thomas Stephens – Summary of Expert Evidence updated to include outcome of expert caucusing 3 April 2017	
85. Lachlan McKenzie, Presentation and Summary of Evidence	Submitter # 53
86. Bushlands Estate Ltd and Adolle Farms Ltd, SOE	Submitter # 83
87. CNI Iwi Holdings Ltd, Presentations	Submitter # 49/FS6
88. Alamoti Te Pou, Statement of Evidence	
89. Attachment A - Lake Rotorua Underutilised Māori Land Analysis report prepared by Perrin Ag Consultants Ltd, 16 May 2016; 90. Under-utilised Māori Land Analysis	
Day 11: Tuesday, 18 April 2017	
91. CNI Iwi Land Management Ltd – Bridget Robson, Summary of Evidence	Submitter # 16/FS6
92. Karl Weaver, Presentation and Summary of Evidence	Submitter # 67
93. Grant Stewart, Presentation and Summary of Evidence	Submitter # 28
94. Robin Boom, Summary of Evidence	Submitter # 05
Day 11: Wednesday, 19 April 2017	
95. Ngāti Uenukukopaki Iwi Trust	Submitter # FS04
96. Parekarangi Trust, James Warbrick and Mark Johnston	Submitter # 48
97. Kevin and Janette Davenport, Presentation and Summary of Evidence	Submitter # 28

98. Lindsay Moore	Submitter # 01
Day 12: Thursday, 20 April 2017	
99. Federated Farmers, Legal Submissions	Submitter # 75/FS12
100. Attachment A – Rule 11 RWLP	
101. Elizabeth McGruddy, Presentation and Summary of Evidence	Expert
Day 14: Wednesday 3 May 2017	
102. Arawhiwi Farms, Craig Hurst, Summary of Evidence	Submitter # 41
103. Grant Stewart, Oakridge Equestrian, Summary of Evidence	Submitter # 08
104. Kāingaroa Timberlands Ltd, Summary of Evidence	Submitter # 03
105. Ballance Agri-Nutrients Ltd, Summary of Evidence	Submitter #FS 15
Day 15: Thursday 4 May 2017	
106. Mr Don Hammond, Summary of Evidence	Submitter # 17
107. Bay of Plenty Regional Council, Closing Reply	BOPRC
108. Further information provided by BOPRC – Consent information for Uuhina and Puarenga	

PART C: FURTHER INFORMATION FILED WITH THE HEARING PANEL

Further information filed with the Hearing Panel	
109. BOPRC – R Burton re Response to Hearing Panel • Schedule LR Five	27 June 2017
110. BOPRC – R Burton re Schedules	22 June 2017
111. BOPRC – Burton/Lamb – Revised drystock reference files	16 June 2017
112. BOPRC – New RD activity for forestry land • Forestry Land Rule • Māori Land Rule	15 June 2017
113. BORPC – S Lamb – Groundwater catchment areas and area of pastoral	14 June 2017
114. BOPRC – S Lamb – Advice on streamlined consent rule for properties 5ha to 10ha	12 June 2017
115. Further information provided by BOPRC – S Lamb – Reference Files and refinement of LR R8A – • Consequential amendments as a result of recommended change to reference file approach • Refinement of New Rule LR R8A – streamlined controlled activity rule • Commentary on the “Review of information on Lake Rotorua catchment phosphorous losses and reductions” by Park (2017) • Review of information on Lake Rotorua catchment phosphorus losses and reductions, 24 February 2017	24 May 2017
116. BOPRC – S Lamb – Rule LR R8	22 May 2017
117. BOPRC – S Lamb – Rule LR M5	9 May 2017
118. BOPRC – S Lamb – Rule amendments LR R8A	9 May 2017
119. BOPRC - S Wooler – Amendments to Rule LR R3	5 May 2017
120. BOPRC - S Wooler – Relationship between degradation and need for sustainable management with Deed and Act of Settlement	5 May 2017
121. BOPRC - S Wooler – Legal and factual questions	5 May 2017
122. BOPRC - S Wooler – Amendments to Rule LR R3	
123. BOPRC - S Wooler – Consequential amendments to RWLP for notification 29 February 2016 (version updated to reflect that the consequential amendment of Rule 11(f) is no longer sought)	1 May 2017
124. BOPRC – S Wooler – Answers to questions from panel; revised track change version 7 – revised staff recommendations	28 April 2017
125. Federated Farmers – Memorandum and Appendices 1-4 Memorandum on behalf of Federated Farmers dated 26 April 2017 to provide further information requested by the Hearing Panel on 20 April 2017	26 April 2017
126. Bridget Robson – Further information provided on “75% of the wider community believed that grandparenting was unfair, inequitable and	21 April 2017

rewarded polluters (in para 18 of summary evidence)	
127. BOPRC – S Wooler – Allocation considered against RPS principles	18 April 2017
128. BOPRC – S Wooler – Further information; Attachment A – Subdivision Objectives and Policies; Revised Track Change Version 6 – hearing panel requests	13 April 2017
129. BOPRC – S Wooler – Seeking leave to rescind and rectify the caucus report of the economists	12 April 2017
130. BOPRC – S Burns – Joint Statement of Economic Experts	11 April 2017
131. RLC – Mr Eccles’ responses to the Panel’s questions on planning matters	11 April 2017
132. BOPRC – S Wooler – Response to Ngāti Uenukukōpako Iwi Trust letter re caucusing	6 April 2017
133. RLC – Appearance Notes of Phil Osborne – Economic Effects	6 April 2017
134. Affidavit of Geoffrey Williams Chief Executive for Rotorua Lakes Council (sworn on 6 April 2017)	6 April 2017
135. RLS – Urgent leave request of the Hearing Panel to extend the deadline for the submission of Mr Eccles’ responses to the Panel’s questions of 7 April 2017 – due to severe weather event	5 April 2017
136. Ngāti Uenukukōpako Iwi Trust Letter re caucusing between Councils	4 April 2017
137. Chris Hansen – Updated Summary of evidence and supplementary evidence	3 April 2017
138. Bethany Bennie, Summary of Evidence	3 April 2017
139. BOPRC – S Wooler – Non-benchmarked land allocation; Small block sector review	3 April 2017
140. BOPRC – S Wooler – Report on agreed proposed amendments and outstanding issues WWTP	31 March 2017
141. BOPRC – S Wooler – Appendix 2 to Compendium Rebuttal evidence of Tanira Kingi – Statement of evidence of Tanira Kingi on behalf of the Lake Rotorua Stakeholder Advisory Group	24 March 2017
142. BOPRC – Addendums, clarifications, further rebuttal and proposed amendments	23 March 2017
143. BOPRC – Appendix 15 of Compendium document	22 March 2017
144. Federated Farmers – Issues raised about the process and request an adjournment of the hearing	12 March 2017
145. BOPRC – S Wooler – Memorandum concerning evidence received late from submitters and evidence exchange	7 March 2017
146. BOPRC – S Wooler – Memorandum concerning evidence exchange	7 March 2017
147. Beef + Lamb New Zealand – Request extension of time to file evidence	6 March 2017
148. Chris and Jamie Paterson – Site Visit Proposal	6 March 2017
149. Oakridge Equestrian – Site Visit Request	13 February 2017
150. The Oil Companies – Hearing Statement emailed as not attending hearing	31 January 2017
151. BOPRC – Section 42A report <ul style="list-style-type: none"> • Proposed Plan Change 10 to the Regional Water and Land Plan – Strikeout version 5.0 • Consequential Changes 	20 January 2017

<ul style="list-style-type: none">• Staff Recommendations on Provisions with Submissions and Further Submissions• Evidence submitted by BOPRC – prepared by experts to either explain research completed for PC 10 or to support the S42A report	
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PART D: APPLICATIONS FOR LEAVE

Applications for Leave regarding matters of late expert evidence and scope of evidence:	
155. Ballance Agri-Nutrients Ltd, Application to Adduce Submission – Evidence of Mr Kevin Wood	15 March 2017
156. Fertiliser Association of NZ – Evidence of Ms Bethany Bennie and Mr Greg Sneath	15 March 2017
157. CNI Iwi Holdings Ltd – Evidence of Ms Bridget Robson	15 March 2017
158. Mr Lachlan McKenzie – Scope of Evidence	16 March 2017
159. Federated Farmers – Evidence of Ms Elizabeth McGruddy	17 March 2017
160. Rotorua Lakes Council – Evidence of Mr Grant Eccles	17 March 2017