

BAY OF PLENTY REGIONAL COUNCIL
PROPOSED CHANGE 5 (KAITUNA RIVER)
MINUTE 4 OF THE FRESHWATER HEARINGS PANEL

**Timing of Closing Hearing, Further Information Request, Late Submission,
Timing of Recommendation.**

INTRODUCTION

1. This Minute identifies our proposed date and arrangements for the closing hearing, a further information request of the panel, confirms our position on the late submission of Te Maru o Kaituna and indicates the timing of the panel recommendation report.

PROPOSED CLOSING HEARING

2. In Minute 1 the Hearing Panel identified that a hearing to hear closing submissions, reply evidence and reply of the BOPRC would be held between 8 and 11 November 2022, and that such hearing would likely be online.
3. The Panel is now in a position to propose that the closing hearing be held on Friday 11 November 2022, 9am-12noon. The hearing will be online (Zoom). The Panel has limited flexibility to make significant change to the timing of the hearing, however, please contact us as soon as possible if this date and time is unacceptable and the reasons why.
4. At this stage we are anticipating the order of appearances to be:
 - a. Closing submissions of submitters (where requested)
 - b. Reply evidence of Council witnesses (if any)
 - c. Right of reply from Council (noting written reply received on 28th October 2022)
5. We invite parties to confirm their interest in presenting closing submissions by contacting the Planning Administrator.

FURTHER INFORMATION REQUEST

6. During the hearing we heard evidence from Horticulture New Zealand stating that the Significant Issue Statement at 2.12.4(1) was incorrect - "*allocation exceeds water quantity limits in several sub-catchments of the Kaituna River, and in parts of the underlying groundwater resource*".
7. We have reviewed the section 32 and section 42A reports and cannot find any explanation or references that support the statement. As such we are requesting further information from the Council (which may be reply evidence) and/or part of the right of reply, that either:
 - a. Indicates where we can locate the explanation or references that support the statement; or

- b. Provide a summary or brief of evidence that sets out the rationale for the statement; or
- c. Confirming that this matter has been resolved in the planning caucusing.

8. This further information will be helpful in our deliberations of this issue.

LATE SUBMISSION OF TE MARU O KAITUNA

9. We note that there is one late submission to PC5. The original submission of Te Maru o Kaituna was received by BOPRC three days late. This matter is addressed at paragraph 2.1 on page 4 of the Overview Report on Submissions.
10. The late submission was accepted using the provisions set out in s37 and 37A of the RMA by the Regional Policy and Planning Manager acting under delegated authority from the Council.
11. As a matter of process, we did not receive any objections at the hearing and have confirmed our view that the submission should be accepted.

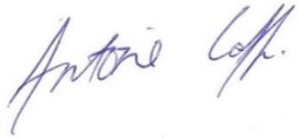
TIMING OF RECOMMENDATION REPORT

12. Proposed Change 5 was notified on 29 June 2021. The recommendation report is required to be completed 40 working days before the two-year anniversary of the notification. We understand that the 20th May 2023 is the closing date.
13. We have considered the breadth of evidence before us, its complexity and the number of matters in contention. We estimate that a final recommendation should be made by the end of January 2023, well before the closing date.
14. If there are changes to this indicative timeframe, we will inform the parties.

SERVICE ON COUNCIL AND PANEL

15. Any evidence or information required by this Minute, and any memorandum or application to the Freshwater Hearings Panel, should be lodged by one of the following means:
 - a. By email to Rachel Thaugland, Planning Administrator at Rachel.Thaugland@boprc.govt.nz
 - b. In writing, addressed to Bay of Plenty Regional Council, PO Box 364, Whakatāne 3158, for the attention of the Planning Administrator (Proposed Change 5 – Kaituna River)
 - c. By delivery to 1 Elizabeth Street, Tauranga.

DATED this 17th of October 2022



Antoine Coffin
Freshwater Hearings Panel Chairperson

For and on behalf of Freshwater Hearings Panel members:
Commissioner Andrew von Dadelszen
Commissioner Rawiri Faulkner