

**BEFORE THE CANTERBURY REGIONAL COUNCIL
HEARING COMMISSIONERS**

IN THE MATTER

of the Environment Canterbury
(Transitional Governance Arrangements)
Act 2016

AND

IN THE MATTER

of submissions on Proposed Plan
Change 7 to the Land and Water
Regional Plan and Proposed Plan
Change 2 to the Waimakariri River
Regional Plan

**MEMORANDUM OF COUNSEL FOR THE CHRISTCHURCH CITY COUNCIL
IN RELATION TO EXPERT WITNESS CAUCUSING**

Dated 7 August 2020

MAY IT PLEASE THE HEARING COMMISSIONERS

1. This memorandum is filed on behalf of the Christchurch City Council (Council). Counsel respectfully seeks a direction from the Commissioners that the parties referred to in paragraph 8 of this memorandum confer with regard to caucusing for groundwater quality experts and report on that, including proposed timetabling, by 5pm Thursday 13 August 2020.
2. Counsel raised the possibility of there being a joint memorandum making that recommendation with counsel for the Canterbury Regional Council on 22 July. The response was that the Canterbury Regional Council would be shortly communicating with all submitters who had suggested that broader caucusing may assist the Commissioners.
3. The Canterbury Regional Council sent an email to the Christchurch City Council – and presumably to some other submitters – on 24 July 2020 that stated:

Thank you for lodging your evidence on Plan Change 7 to the Canterbury Land and Water Regional Plan. In reviewing your evidence we have identified your request for caucusing of experts.

The Council has appointed an independent panel to hear submissions and evidence on Plan Change 7 and to make recommendations to the Council on the final form and content. The hearing panel also has authority to decide any preliminary or procedural matters, including whether or not caucusing of experts should occur. On that basis all requests for caucusing of experts must be made by submitting a memorandum to the hearing panel for consideration.

To assist the hearing panel with their decision, the following matters need to be addressed in your memorandum:

The name, and contact details of the person(s) making the request

A description of the specific topics, matters or provisions the caucusing request relates to

The reasons for the request, including any outcomes or resolution sought to be achieved through the caucusing

The type of caucusing you consider may be appropriate (e.g. caucusing of technical experts, caucusing of planning experts).

Any preferences with regards to the timing of the caucusing

Please submit your request to planhearings@ecan.govt.nz. Once the request is received it will be forwarded to the hearing panel for consideration, and in due course you will be advised of the hearing panel's decision.

4. Counsel respectfully submits that the efficiency and effectiveness of the Commissioners' hearing process may be enhanced if groundwater quality experts are provided with the opportunity to caucus on some of the matters raised in the Council's submission and evidence. It will provide the experts with a structured opportunity to confer and attempt to reach agreement on issues, or at least to clearly identify the issues on which they cannot agree, and the reasons for that disagreement. It can narrow points of difference and save hearing time and cost.
5. The caucusing will enable the experts to produce a joint witness statement that will include:
 - (i) the key facts and assumptions that are agreed upon by the experts;
 - (ii) identification of any methodology or standards used by the experts in arriving at their opinions and reasons for differences in methodology and standards (if any);
 - (iii) the issues that are agreed between the experts;
 - (iv) the issues upon which the experts cannot agree and the reasons for their disagreement.
6. Comparison of Mr Thornley's groundwater quality evidence for the Council against the officers' report and other expert evidence has highlighted that the Commissioners may be assisted by caucusing on the following topics:
 - Groundwater catchment areas and groundwater flow modelling;
 - Assessment of baseline groundwater quality and predictions of nitrate increases in Christchurch;
 - Speed of transmission of nitrates in groundwater into the areas of the Christchurch-West Melton groundwater system;
 - The mapping and delineation of Nitrate Priority Areas and the associated nitrogen reduction targets in Table 8-9;
 - Provisions for Managed Aquifer Recharge and Targeted Stream Augmentation.

7. That caucusing would be relevant to the Commissioners' decision making on Plan Change 7, Part C Sub chapter 8 nutrient management provisions, particularly nutrient management policies and Tables 8-5 to 8-9, Rules 8.5.18-8.5.27, the mapping of Nitrate Priority Areas; and schedule 8 (district wide water quality limits).
8. The other groundwater quality experts with evidence on these topics who would be reasonably expected to take part in that caucusing (together with those of the Canterbury Regional Council) are the relevant experts for As One Incorporated, Beef and Lamb, Central South Island Fish and Game Council, Dairy Holdings Ltd, DairyNZ Ltd, and Waimakariri Irrigation Ltd (and potentially Waimakariri Next Generation).

The National Policy Statement for Freshwater Management (NPS-FM) 2020 and NES FM

9. The NPS-FM (2020) was gazetted yesterday and will be in legal effect from 3 September 2020. Counsel expects that the Canterbury Regional Council will be making a suggestion to the Commissioners as to any changes to process that may be necessary to address the relevance of the NPS-FM and NES FM.

Directions sought

10. That the Canterbury Regional Council, Christchurch City Council and submitters referred to in paragraph 8 file a joint memorandum by 14 August 2020 informing the Commissioners whether they seek the caucusing referred to in this memorandum and, if so, a timetable for its completion.

Dated 7 August 2020



BK Pizzey
Counsel for the Christchurch City Council