

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
APPOINTED BY THE CANTERBURY REGIONAL COUNCIL**

**UNDER** the Resource Management Act 1991

**IN THE MATTER** of Proposed Plan Change 7 to the Canterbury Land and  
Water Regional Plan

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**JOINT MEMORANDUM OF COUNSEL IN RESPONSE TO MINUTE 5 OF THE  
HEARING COMMISSIONERS (EXPERT CAUCUSING)  
26 June 2020**

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**MAY IT PLEASE THE HEARING COMMISSIONERS**

- 1 This Joint Memorandum is filed on behalf of the Canterbury Regional Council (**Council**), Adaptive Management Working Group (**AMWG**) and the Opihi Flow and Allocation Working Party (**OFAWP**) (collectively **the Parties**) in response to directions contained in Minute 5 issued by the Independent Hearing Commissioners, dated 19 May 2020, in relation to expert caucusing:
- 2 In response to a Memorandum filed by counsel for AMWG and OFAWP, the Commissioners made directions to the following effect:
  - (a) Counsel for the Council, and Counsel for AMWG and OFAWP are to confer and identify appropriate topics for expert caucusing, and agree on arrangements for that to occur.
  - (b) Arrangements for caucusing, to the extent these matters can be agreed, should proceed (while keeping the Commissioners informed of progress).
  - (c) Submitters who have lodged further submissions on the relevant topics should also be invited to participate.
  - (d) If there are aspects on which Counsel are not able to reach agreement, recourse may be had to the Commissioners for further directions.
- 3 Counsel acknowledge the directions made in that Minute (and subsequent timetabling directions for caucusing included in Minute 6, dated 8 June 2020), and wish to signal how the Council, AWMG and OFAWP intend to manage the practical requirements of the direction in paragraph 2 noted above.
- 4 Counsel have discussed this direction, and are of the view that the identification of appropriate topics for caucusing and arrangements for doing so would be best placed to occur following the exchange of submitters' expert evidence in chief.
- 5 On that basis, it is proposed that following receipt and consideration of submitters' expert evidence in chief, Counsel for the Council will liaise with Counsel for AWMG and OFAWP, along with any other submitters who have lodged further submissions and expert evidence in relation to the relevant aspects of the primary submissions of AMWG and OFAWP,

to identify caucusing topics and make arrangements for expert caucusing. It is expected that this will occur prior to 31 July, and it is the Parties intention to file a further joint memorandum at that time confirming the agreed caucusing topics and caucusing arrangements.

- 6 The Parties agree that caucusing of technical experts should only occur in circumstances where there is a genuine technical dispute, as opposed to a dispute regarding the recommendations signalled in the Council's section 42A report. This is the basis on which caucusing topics will be identified.
- 7 The Council remains of the view that there is limited utility in caucusing planning experts at this time. However, the AMWG and OFAWP consider there may be discrete planning issues that would benefit from such caucusing following receipt of the joint technical expert witness statements (e.g. in relation to the planning framework for PC7's proposed 'alternative management regime' and artificial freshes). The Parties therefore agree that the utility of planning caucusing will be reassessed following the caucusing of technical experts. Guidance from the Commissioners will be sought by the Parties in the event of any disagreement in that regard.

Dated this 26<sup>th</sup> day of June 2020



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P A C Maw / I F Edwards  
Counsel for Canterbury Regional Council



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G C Hamilton  
Counsel for AWMG and OFAWP