



## THE ENVIRONMENT COURT OF NEW ZEALAND

### NOTICE OF EXPERT WITNESS CONFERENCES

Expert witness conferencing has been arranged for planning witnesses giving evidence on Plan Change 7 to the Otago Regional Plan: Water for **Deemed Permit Priorities** at the proceedings listed in the attached Schedule. The conferences will take place as follows:

<b>TIME/DATE:</b>
09:00 AM Monday 3 May 2021

<b>VENUE:</b>
Heritage Dunedin Leisure Lodge 30 Duke Street Dunedin

By **Friday 7 May 2021** the Regional Council's counsel is to advise the court of a date when all witnesses are available to resume conferencing after 12 May '21 to conclude the JWS should this be necessary.

As background, the witnesses are referred to the Court's 7 April and 23 April 2021 Minutes. They also need to prepare for conferencing having regard to Deputy Commissioner Dunlop's related Minute of 27 April '21.

The purpose of the expert witness conferencing is to enhance the efficiency of the court hearing process by providing for expert witnesses to confer and identify the issues on which they agree, with reasons. They are also to clearly identify the issues on which they do not agree and give reasons for their disagreement. This will enable the court to focus primarily on matters that remain in dispute, while understanding the basis for agreed matters.

#### **General Directions**

All parties calling expert<sup>1</sup> evidence on the scheduled conference topic are to provide their respective experts with a copy of the Environment Court's Expert Witnesses Code of Conduct (Part 7,

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<sup>1</sup> Refer Environment Court's Expert Witnesses Code of Conduct Appendix 3 at [1] (c) for description of the term expert witness.

Environment Court Practice Note 2014) and Protocol for Expert Witness Conferences (Appendix 3, Environment Court Practice Note 2014) and to brief them on their responsibilities under these. Particular attention is to be drawn to those parts which require experts to express their views independent of counsel and the parties who have engaged them.

Experts are to be provided with or directed to where they can access on the Court's web site, all relevant documentation updated as appropriate, including evidence, reports and the transcript of proceedings necessary to enable them to thoroughly understand the issues in the proceeding relevant to PC 7 Deemed Permit Priorities.

The court transcript excepted, counsel are to ensure that all documentation referred to above is with or accessible to the experts and the facilitator at least **3 working days** prior to the start of the conference.<sup>2</sup> Relevant parts of the transcript are to be provided as soon as they become available. Specific directions on agenda setting and timetabling are given below.

The experts are required to attend the conference in person.

Counsel are to liaise on the provision of a suitable recorder to attend the conference and prepare the Joint Witness Statement under the direction of the experts. Recorders are to be supplied with the necessary technical equipment, including a laptop computer. The venue will provide a projector, screen (or smart board) and connecting cable in order to ensure efficient recording of agreed wording for the Statement. It is important that the recorder has proficient keyboard and related IT skills and preferably has some technical knowledge of the issues to be discussed.

The Joint Witness Statement agreed from the conference will identify the issues, both agreed and not agreed, accompanied by the experts' reasoning set out as succinctly as the circumstances allow. The Joint Witness Statement should be completed, signed and dated on completion of the conference or by such other date directed by the facilitator. Counsel for the Otago Regional Council is to file and serve the finalised Joint Witness Statement on receipt from the Conference(s) and arrange for its circulation to the parties and the facilitator forthwith.

Participants are to be advised by counsel that expert witness conferencing is privileged except for the signed Joint Witness Statement prepared by the experts following the conference, which will be part of the public record.

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<sup>2</sup> Counsel are advised that the facilitator has electronic access to all related materials on the Court's website.

**Directions: Agenda Setting and Timetabling**

An agenda for the conference is to be prepared jointly by counsel led by the Regional Council in consultation with participating witnesses and will issue later in the week commencing 27 April '21. Witnesses are to be actively involved in preparation of the agenda so that it includes matters they know to be relevant.

Counsel have identified the witnesses who are to participate in conferencing. Their names are set out in Attachment A at the end of this Notice. Should a change in participants be proposed the facilitator is to be advised and confirmation sought **3 working days** prior to the commencement date.

To facilitate communications the names and contact details (telephone and email address) of the experts attending conferencing will be circulated by the Christchurch Registry to all counsel, attendees and the facilitator shortly.

**CORRESPONDENCE AND ENQUIRIES**

General information on the Environment Court is available here: <https://environmentcourt.govt.nz/>. Information about the Otago Regional Council Plan Change 7 can be accessed here: <https://environmentcourt.govt.nz/cases-online/orc-pcs-1-7-8/pc7/>.

The Environment Court's Practice Note 2014, which serves as a guide to the court's processes (including expert conferencing) is available here: <https://environmentcourt.govt.nz/cases-online/orc-pcs-1-7-8/general-information/#practice-note>.

**Please direct all correspondence or enquiries about this Notice or the procedures for the conferencing to me, Ross Dunlop, and provide the court's Mediation Manager, Karina Kelly (Karina.Kelly@justice.govt.nz), with a copy.**

If you have any special requirements please advise me, preferably well in advance, so that they can be attended to.

**Dated at Christchurch Environment Court Registry on 28 April 2021**



**Ross Dunlop**  
**Special Advisor**  
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**Karina Kelly**

**Mediation Manager**

Email address: [Karina.Kelly@justice.govt.nz](mailto:Karina.Kelly@justice.govt.nz)

PO Box 2069, WX 11113

Christchurch

Telephone: 03 367 6014

# SCHEDULE OF PROCEEDINGS

1. **Topic:** **Decision on the provisions and matters raised in submissions on Otago Regional Council Plan Change 7**  
**Topic Number:** **ENV-2020-309-000015**

- i. Otago Regional Council  
Application under s 149T(2) of the Resource Management Act 1991  
Court Reference: ENV-2020-CHC-000127

## Attachment A

### List of Witnesses

Witness	Party
Tom De Pelsemaeker	ORC
Tim Ensor	Minister for the Environment
Murray Brass	D-G of Conservation
Sally Dicey	OWRUG
Claire Perkins <sup>3</sup>	Landpro Limited
Mark St Clair	Court Special Advisor

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<sup>3</sup> Excused attendance subject to the court receiving a written undertaking by Thursday 29 April 2021 that Landpro Limited agrees to be bound by the court's Decision on this topic.