



THE ENVIRONMENT COURT OF NEW ZEALAND
NOTICE OF EXPERT WITNESS CONFERENCE
OTAGO REGIONAL PLAN: WATER PROPOSED CHANGE 8

Expert witness conferencing has been arranged for expert witnesses¹ giving evidence on Plan Change 8 ('PC 8') to the Regional Plan: Water for Otago, specifically on:

- Schedule 18 – storage pond drop test requirements and criteria;
- Schedules 19, 19A and 19B – storage calculation and application dates; and
- Rules 14.7.1.1, 14.7.1.2, 14.7.2.1, 14.7.3.1 and new and amended definitions (dairy effluent storage calculator, suitably qualified person, animal waste system and agricultural waste).

The conferences will take place as follows:

TIME/DATE:	Topics	Venue:
09:00 AM 8 June 2021	Schedule 18, Schedule 19 and Rules 14.7.1.1, 14.7.1.2, 14.7.2.1, 14.7.3.1 as listed in detail above	The Dunedin Centre Conference Room 2 1 Harrop Street Dunedin
09:00 AM 9 June 2021	Reserve day for any matters that run over (witnesses are on notice to make travel and accommodation arrangements assuming the 9 th will be required)	The Dunedin Centre Conference Room 2 1 Harrop Street Dunedin

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.

Experts are to be provided with or directed to where they can access on the Court's website, all relevant documentation updated as appropriate to enable them to thoroughly understand the issues in the proceeding relevant to PC 8.

GENERAL DIRECTIONS

All parties calling expert² evidence on the scheduled conference topics are to provide their respective experts with a copy of the Environment Court's Expert Witnesses Code of Conduct (Part

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

7, 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.

The experts are required to attend 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 and arrange for its circulation to the parties and the facilitator forthwith.

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

AGENDA AND ATTENDEES

An agenda for the conference is to be prepared jointly by counsel led by the Regional Council in consultation with participating witnesses and will be issued shortly by WynnWilliams.

The names of witnesses to participate in conferencing are listed at Attachment A based on their role in the proceeding and availability as advised by WynnWilliams on 25 May 2021. Should a change in participants be proposed the facilitator is to be advised and confirmation sought **3 working days** prior to the commencement date. The Lower Waitaki Irrigation Company has advised via WynnWilliams that its expert witness Ms K Johnson has a compelling prior commitment on the reserve day Wednesday 9 June 2021. Should the conference continue on the 9th the facilitator will direct that Ms Johnson complete her contribution and sign the Joint Witness Statement by the close of business on Thursday 10th June.

CORRESPONDENCE AND ENQUIRIES

General information on the Environment Court is available here: <https://environmentcourt.govt.nz/>.

Information about the Otago Regional Council Plan Change 8 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 the court, preferably well in advance, so that they can be attended to.

Dated at Christchurch Environment Court Registry on 27 May 2021



Ross Dunlop
Deputy Environment Commissioner
Email: Ross.Dunlop@justice.govt.nz

Karina Kelly
Mediation Manager
Email address: Karina.Kelly@justice.govt.nz

PO Box 2069, WX 11113
Christchurch
Telephone: 03 367 6014

Schedule of Proceedings

Topic: **Decision on the provisions and matters raised in submissions on Otago Regional Council Plan Change 8**

Applicant: Otago Regional Council

Application under s 149T(2) of the Resource Management Act 1991

Court Reference: ENV-2020-CHC-000128

Attachment A

Expert Witness	Party
Dolina Lee (Planning)	Otago Regional Council
Felicity Boyd (Planning)	Otago Regional Council
Mike Freeman (Planning and Science – management of contaminants and water quality)	Landpro Limited
Sandra McIntyre (Planning)	Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
Luke Kane (Farm Systems Expert)	Federated Farmers of New Zealand - Otago and North Otago Provinces
TBC - one more Farm Systems Expert	Federated Farmers of New Zealand - Otago and North Otago Provinces
Nigel Paragreen (Fish and Game Operations)	Otago Fish and Game Council and the Central South Island Fish and Game Council
Niall Watson (Fish and Game Operations)	Otago Fish and Game Council and the Central South Island Fish and Game Council
Keri Johnson (Natural Resources Engineer)	Lower Waitaki Irrigation Company Ltd
Logan Bowler (Dairy Effluent Management and Dairy Effluent Storage Calculator)	DairyNZ
Cain Duncan (Effluent System Design and Management and Planning)	Fonterra Co-operative Group Ltd
Ian Barugh (Effluent Systems)	New Zealand Pork Industry Board