



THE ENVIRONMENT COURT OF NEW ZEALAND

NOTICE OF EXPERT CONFERENCING

Expert witness conferencing in advance of evidence exchange has been arranged for expert witnesses giving evidence related to (Landscape) at the proceedings listed in the attached Schedule. The conference will take place as follows:

DATE:	Wednesday, 19 February 2020
TIME:	10:00 AM
VENUE:	Scenic Room, Scenic Southern Cross Hotel 118 High Street Dunedin, 9016
Facilitator:	Mr Ross Dunlop

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 cannot 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.

DIRECTIONS

Counsel are to provide their respective experts with a copy of the Environment Court's Expert Witnesses Code of Conduct (Part 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.

Experts are to be provided with all relevant application and appeal documentation updated as appropriate, and pre-circulated evidence (if available) and reports necessary to enable them to thoroughly understand the issues in the proceeding.

Where the case managing Judge directs that expert conferencing is to take place on the basis of "will say" briefs exchanged prior to conferencing, these briefs should, as a minimum, set out the key facts and assumptions relevant to the experts' field of expertise, identify the methodology and standards used in arriving at opinions and clearly explain the opinions arrived at. If appropriate a witness may provide a copy of evidence presented to a first instance hearing as a "will say" brief on the assumption that the evidence/opinion remains the same.

Counsel are to ensure that all documentation referred to above is with the experts and the facilitator as directed per the Minute dated 21 January 2020 at [14] (a) – (b).

Counsel are to liaise with conferencing experts to prepare a conference agenda addressing the key issues identified and pre-circulate it in electronic form to all conference participants, including the facilitator, at least **5 days** prior to the conference. Any relevant Joint Statements from related or prior expert conferences are to be provided in electronic form at that time.



The Court has a preference for all expert conferencing to be "face to face". Where exceptional circumstances make this difficult other formats may be used, such as telephone or video conferencing, with the approval of the facilitator.

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. For small conferences (2 - 3 experts) this may be one of the experts, but it is preferable that a non-participant is made available for all conferences. Recorders are to be supplied with the necessary technical equipment, including a laptop computer and preferably a projector and screen (or smart board) in order to ensure efficient recording of agreed wording for the Statement.

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 Statement should be completed, signed and dated on the day or as soon as possible thereafter. Counsel are to arrange for one of their number to be responsible for circulation of the joint statement to the parties, the facilitator and the Court within **3 working days** of the conference concluding.

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.

CORRESPONDENCE AND ENQUIRIES

Information on the Environment Court and the Court's Practice Notes which serve as a guide, are available at www.justice.govt.nz/courts/environment-court. Please direct to me all correspondence or enquiries about this notice or the procedures at the conferencing. 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 24 January 2020

A handwritten signature in red ink, appearing to read 'Karina Kelly'.

Karina Kelly
Case Manager - Mediation
Direct dial phone: (03) 353 8536
E-mail address: Karina.Kelly@justice.govt.nz

ENVIRONMENT COURT
WX11113

SCHEDULE OF PROCEEDINGS

1. **Topic:** Appeal by the Preservation Coalition Trust against the proposed Second Generation Dunedin District Plan
Topic Number: ENV-2019-309-000014

- i. The Preservation Coalition Trust v Dunedin City Council

Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991
Court Reference: ENV-2018-CHC-000285

LIST OF PARTIES

<u>Lodgement:</u>	<u>ENV-2018-CHC-000285</u>	<u>The Preservation Coalition Trust v Dunedin City Council</u>
Initiator	The Preservation Coalition Trust	The Preservation Coalition Trust, 30 Howard Street, Macandrew Bay, Dunedin
Respondent	Dunedin City Council	Michael Garbett, Anderson Lloyd (Dunedin), Private Bag 1959, DX YP10107, Dunedin 9054
Respondent	Dunedin City Council	Rachel Brooking, Anderson Lloyd (Dunedin), Private Bag 1959, DX YP10107, Dunedin 9054
Interested Party S274	Federated Farmers of New Zealand	Caroline Ryder, Federated Farmers of New Zealand Inc, Po Box 5242, Dunedin
Interested Party S274	Kati Huirapa Runaka ki Puketeraki	Philip Pannett, Aukaha Ltd, PO Box 446, Dunedin
Interested Party S274	Oceana Gold New Zealand Limited	Jackie St John, Oceana Gold NZ Ltd, PO Box 5442, Dunedin
Interested Party S274	Otago Regional Council	Alastair Logan, Ross Dowling Marquet Griffin, PO Box 1144, DX YP80015, Dunedin
Interested Party S274	Save the Otago Peninsula Society Incorporated	Ms Lala Frazer, Save the Otago Peninsula Society Incorporated, PO Box 23, Portobello, Dunedin
Interested Party S274	Te Runanga o Otakou	Philip Pannett, Aukaha Ltd, PO Box 446, Dunedin
Interested Party S274	University of Otago	Derek McLachlan, Gallaway Cook Allan, P O Box 143, DX YP80023, Dunedin 9054
Interested Party S274	University of Otago	Phil Page, Gallaway Cook Allan, P O Box 143, DX YP80023, Dunedin 9054
Interested Party S274	University of Otago	Simon Peirce, Gallaway Cook Allan, P O Box 143, DX YP80023, Dunedin 9054