

**IN THE MATTER** of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of the **PROPOSED WAIKATO REGIONAL COASTAL PLAN**.

**DIRECTION (2) FROM THE HEARING PANEL**

**EXPERT CONFERENCING – FACILITATED**

1. Pursuant to sections 34 and 34A of the RMA, Waikato Regional Council (the Council) has appointed a Hearing Panel consisting of Independent Hearing Commissioners - Greg Hill (Chairperson), Vicki Morrison-Shaw and Hugh Leersnyder, and Councillors Warren Maher and Stuart Kneebone (sitting as Commissioners). The Hearing Panel's function is to hear and make recommendations to the Council on the submissions made to the Proposed Plan. The delegations also include addressing any procedural matters.
2. Direction 1 from the Hearing Panel – Hearing Process, Dates and Evidence Exchange, set out at paragraph 15:

***Expert Conferencing***

*The Hearing Panel indicates that it may direct expert conferencing (an expert is a professional with specialist qualifications and experience in a relevant discipline). The details of this, including the likely topics, will be set out in a separate Direction.*

**Expert Conferencing**

3. Clause 8AA – Resolution of Disputes of the First Schedule of the RMA enables a process to clarify and resolve disputes between parties. Accordingly, the Hearing Panel directs expert conferencing on the basis as set out below.
4. The purpose of the conferencing process is for the parties' experts to identify, discuss and potentially resolve (or not) the issues in contention between them.
5. At this stage the Hearing Panel anticipates expert conferencing on the following topics:
  - Aquaculture;
  - Ecosystems and indigenous biodiversity;
  - Energy and infrastructure;
  - Surf breaks;
  - Water quality and discharges; and

- Planning (in relation to the topics above); noting that the planners will be able to attend the topic sessions above along with the ‘technical’ experts.
6. Parties are to inform the Council’s Hearings Administrator, Mr Rice (address below) of:
    - Whether there any additional topics that would benefit from expert conferencing; and
    - The expert witnesses (name, expertise, and contact details) who will attend the conferencing sessions.
  7. The information sought in paragraph 6 is to be provided no later than **Monday 19 August 2024**.
  8. The Hearing Panel will authorise the final list of topics for conferencing. Once that list has been approved, the Hearing Panel delegates the organisation of the conferencing sessions to the Independent Facilitator in accordance with paragraph 12 below.
  9. The conferencing session(s) shall occur after the filing of the submitters’ expert evidence (**Friday 1 November 2024**) and before the date for filing any rebuttal evidence (**Thursday 19 December 2024**). The dates for the conferencing sessions will be determined later, but are likely to occur between **Monday 11 November** and **Friday 6 December 2024**.
  10. Notwithstanding paragraph 9, as the hearings do not commence until 17 February 2025 and are likely to run until mid/late April 2025<sup>1</sup>, the Hearing Panel may determine that it is appropriate to extend the time for conferencing. This would be to enable additional conferencing sessions if good progress was being made on a topic. Any consequential changes to the dates for filing of evidence (including rebuttal) and/or legal submissions will be set out in a subsequent Direction from the Hearing Panel.
  11. The Hearing Panel directs that any conferencing undertaken is in accordance with the Environment Court Practice Note 2023 and in particular – Section 9 - Code of conduct for expert witnesses. Also, those experts participating in the conferencing are to make themselves available to appear at the hearing if required to do so by the Hearing Panel.
  12. Ms Marlene Oliver has been appointed by the Hearing Panel as the Independent Facilitator for the expert conferencing sessions. She is authorised to:
    - (a) Act as independent facilitator;
    - (b) In conjunction with the Council (as administrator) invite submitters and the Council as regulator (in its section 42A reporting function) to advise whether their expert witnesses in the relevant fields will attend the expert conferencing sessions;

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<sup>1</sup> As set out in the Hearing Panel’s Direction 1 – Hearing Process, Dates and Evidence Exchange.

- (c) In conjunction with the Council (as administrator) organise the sessions (including format, topics, agendas, attendance and Joint Witness Statements (JWS), times and venues – in person or on-line as appropriate;
  - (d) Liaise with the Council and its experts (in its section 42A reporting function) and with submitters and their experts; and;
  - (e) Report to the Chair of the Hearing Panel on an as required basis on progress with the conferencing sessions and on any JWS setting out the outcomes, including matters agreed and not agreed.
13. The dates, times and format (in-person or virtually) of the expert conferencing sessions will be provided as soon as possible.
14. While this direction cannot compel the parties to agree to take part in the conferencing sessions or compel expert witnesses to attend and participate, we strongly recommend that they do so. These sessions will provide a degree of formality for those parties and witnesses who attend in an effort to clarify, resolve or narrow the issues in contention. This should ensure that the hearing is more efficient than if the conferencing sessions were not held.

**Enquires**

15. Any enquiries regarding this Direction, or related matters, should be directed to the Council's Hearings Administrator, Mr Steve Rice, at [steve@riceres.co.nz](mailto:steve@riceres.co.nz)



Greg Hill Chairperson  
30 July 2024