

MEMORANDUM FOR DAIRYNZ LTD

Expert Conferencing on Table 3.11-1 of Waikato Regional Plan Change 1 and Variation 1 - Waikato and Waipa River Catchments

- 1 This memorandum responds to the Minute of 27 February 2019 from the Hearings Panel requesting expert conferencing for Table 3.11-1 of Waikato Regional Plan Change 1 and Variation 1 - Waikato and Waipa River Catchments (PC1) in accordance with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014.
- 2 DairyNZ has reviewed and agrees with the draft outline of Agenda received from WRC legal counsel, dated 4 March 2019. We have also reviewed the initial response from Legal Counsel acting for other submitters regarding the optimal approach for progressing Expert Conferencing on Table 3.11-1. We make comment on the initial response from Wairakei Pastoral Ltd legal counsel, as we have a differing opinion about attendees and scope of recommendations by the experts, as stated in paragraphs 4 and 6 below.
- 3 Dr Craig Depree will participate for DairyNZ as the relevant freshwater science expert.
- 4 Attendees should be those parties who filed evidence related to Table 3.11-1, and in addition, Waikato Regional Council water quality experts at the discretion of the council. DairyNZ expects that Dr Mike Scarsbrook and Mr Bill Vant will attend the expert conferencing alongside Dr Bryce Cooper. If the intent of the expert conferencing is to assist the hearings process by clarifying the issues with Table 3.11.1 and resolving concerns regarding its robustness and the level of 'uncertainty' and 'completeness' of the provisions, then it is essential to have all relevant WRC experts present.
- 5 DairyNZ agrees with the proposed agenda and questions to be considered set out in paragraph 5 of the draft outline of Agenda received from WRC legal counsel, dated 4 March 2019. This reads:

5. *It is proposed that the conferencing occur over two days (with at least a week between the days), and proceed as follows:*

(a) *Overview by the Regional Council experts of the development of Table 3.11-1, including technical advice given to, and decisions made by, the CSG*

(b) *Overview of issues raised by submitters' experts*

(c) *Key principles/considerations: what are the key matters that should be considered when determining the content of Table 3.11-1*

(d) Table structure: are there improvements that can be made to improve clarity, alignment with the NPS-FM etc?

(e) The Table as notified: what (if any) changes to the current numeric values for the freshwater attributes should be made and why (taking into account the matters discussed at item (c) (above))

(f) Additions to the Table: what (if any) freshwater attributes should be added to the Table and what numeric values should be associated with each FMU or sub-catchment (taking into account the matters discussed at item (c) (above))

- 6 Throughout the expert conferencing, wider implications to PC1, and ideas for changes to the narrative portion of PC1 Objectives may arise. However, discussion should be focused on freshwater attributes and numeric values. The joint statement that results from the conferencing should be confined to changes to Table 3.11-1.
- 7 The process should include the provision of 'will say' statements circulated five working days before the conferencing, that set out an overview of issues related to Table 3.11-1 for each submitter. This will allow experts who did not file evidence to set out their views. Requiring all parties to do this will focus attention on the key principles and considerations and enable more productive discussion.
- 8 Some parties have proposed different and more specific questions than those put forward by WRC in the draft agenda dated 4 March. DairyNZ is of the view that if the conferencing is confined to Table 3.11-1, any fine-tuning of the questions to be considered can be confirmed by those present at the conferencing. In the meantime, the general questions put forward by WRC and the 'will say' statements will allow experts to prepare.
- 9 The process should allow for two days of expert conferencing, with sufficient time (five working days) between the first and second day for experts to receive and consider the written-up notes from the facilitator. At the end of the conferencing the experts should prepare a joint statement stating their findings and conclusions of each of the matters included in the conferencing agenda. The report should include their expert recommendations for any changes to Table 3.11-1 that they consider appropriate based on their findings and conclusions, including an explanation of the changes and a recommended version of Table 3.11-1 for use in PC1.
- 10 The parties should be provided with an opportunity to review and comment on the outcome of the expert conferencing. DairyNZ will make its water quality expert available if the Hearings Panel convenes a hearing sitting day(s) for any questions of experts on the joint statement and any amendments to Table 3.11-1.
- 11 Please note that DairyNZ's water quality expert is not available between 12th – 24th April.

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