



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth
District Council**

When replying please quote: 8034222

10 June 2019

Applicant and Submitters

Dear Sir/Madam

**PRIVATE PLAN CHANGE 48: WAIRAU ROAD, OAKURA REZONING
DIRECTION ON EXPERT CONFERENCING**

Commissioners (Hearing Panel) have advised that they have given preliminary consideration to the section 42A report and appendices, including technical comments. They consider there is benefit in expert conferencing between the traffic experts and landscape and visual impact experts. The purpose of this conferencing is for the respective experts to reach agreement on issues, or at least to clearly identify the issues on which they cannot agree, and the reasons for that disagreement. The outcome should be a narrowing of points of difference which would provide for an efficient and timely hearing process and allow the Hearing Panel to focus particularly on matters where there is a lack of agreement.

Participation in expert conferencing (including communication related to any conference) is limited to the experts. Submitters (who are not experts) and lawyers are not entitled to participate in this process. The Hearing Panel will require that the contact details of experts be provided so that its facilitators can make direct contact with experts to organise expert conferencing. Failure by a submitter or their lawyer to supply contact details for experts is likely to result in those experts not receiving communication about expert conferencing.

It is requested that all submitters who are engaging traffic experts and/or landscape and visual impact experts to identify these experts to the Council's hearing administrator (Julie.straka@npdc.govt.nz) by **noon on Wednesday 19 June**.

The Hearing Panel will have the same expectations of expert witnesses as set out in the Environment Court's Practice Note, including in particular:

- a) an expert witness has an overriding duty to assist the Hearing Panel impartially on matters within the expert's area of expertise;
- b) an expert witness is not, and must not behave as, an advocate for the party who engages the witness. Expert witnesses must declare any relationship with the parties calling them or any interest they may have in the outcome of the proceeding.

In addition, every person at an expert conference who is participating in his or her role as an expert witness must agree to comply with the Code of Conduct for such witnesses and not act as an advocate for the party who engages the witness. The expert witness must exercise independent and professional judgement and must not act on the instructions or directions of any person.

An expert conference may be facilitated by a person appointed by the Hearing Panel, or if appropriate, the expert conference may be self-managed. The facilitator or appointed member of the conference must prepare a report on the conference and provide it in writing or electronically to the Hearing Panel and the persons who attended the conference via the Hearing Coordinator no more than five (5) working days after the conference.

Please note that expert conferencing is not open to members of the public, legal representatives, planners, or to submitters who are not experts to attend.

If requested, the Hearing Panel will appoint a person(s) to facilitate the expert caucus.

The Hearing Panel requires that the report on the expert conference will take the form of a joint witness statement signed by the experts and will include the following matters:

- a) the key facts and assumptions that are agreed upon by the experts;
- b) identification of any methodology or standards used by the experts in arriving at their opinions and reasons for differences in methodology and standards (if any);
- c) the matters and issues that are agreed between the experts;
- d) the issues upon which the experts cannot agree and the reasons for their disagreement;
- e) identification of published standards or papers relied upon in coming to their opinions, including identification of all material regarded by the experts as primary data;
- f) confirmation that in producing the statement the experts have complied with the Code of Conduct for Expert Witnesses.

Yours faithfully

Julie Straka
GOVERNANCE LEAD