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

AND

IN THE MATTER of **Plan Change 29** – Housing and Hazards to the Nelson Resource Management Plan.

DIRECTION (5) FROM THE HEARING PANEL

FACILITATED EXPERT CONFERENCING

1. Pursuant to sections 34 and 34A of the RMA, Nelson City Council (the Council) has appointed a Hearing Panel consisting of independent hearing commissioners - Greg Hill (Chairperson) and Michael Parsonson, and Councillors Trudie Brand and Rohan O'Neill-Stevens (sitting as Commissioners). The Hearing Panel's function is to hear and make decisions on the submissions to the plan change; and to make a recommendation to the Council whether or not it should approve PC29. Our delegations also include addressing any procedural matters.

2. This Direction sets out the process to establish and undertake Expert Conferencing. The Hearing Panel's Direction 1 has been issued setting out the dates for the hearing and expert evidence exchange (and a request for the filing of legal submissions and non-expert evidence). Directions 2 and 5 should be read together.

3. Clause 8AA – Resolution of Disputes of the First Schedule of the RMA enables a process to clarify and resolve disputes between parties. Accordingly, in terms of this Plan Change the Hearing Panel directs expert conferencing 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 for the topics listed below. Accordingly, the Hearing Panel directs expert conferencing on those topics (if required), noting that the parties, in conjunction with the Independent Facilitators, may decide that conferencing is not required for a particular topic(s)[1]:

    a. Natural Hazards – including any methodology used in relation to natural hazards;
    b. Transportation – including any methodology used in relation to transport;
    c. Zoning – including any methodology used in relation to residential intensification;
    d. Heritage – including any methodology used in relation to heritage;
    e. Any other topic or subtopic as identified by the Independent Facilitators in accordance paragraph 10 below of this Direction.

6. The conferencing sessions shall occur after the filing of the submitters' expert evidence (10 July 2024) and before the date for filing any rebuttal evidence (12 August 2024). However, the Hearing Panel is prepared to be flexible if good progress is being made on any topic. The Hearing Panel delegates the organisation of

[1] Note – the expert planning witnesses are able to attend all of the expert conferencing sessions

the conferencing sessions to the Independent Facilitators in accordance with paragraph 10 below of this Direction.

7. Further conferencing, or other alternative dispute resolution processes, may also occur at later stages.

8. The Hearing Panel directs that conferencing is undertaken 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.

9. Parties are to inform the Hearing Administrator, Harry Forrester of the expert witnesses (name, expertise, and contact details) who will attend the conferencing sessions. This is to be provided via the form forms.office.com/r/fWDrDmAAfZ no later than **4pm Monday 1 July 2024.** The dates, times and format (in–person or virtually) of the expert conferencing sessions will be provided as soon as possible.

10. That Ms Marlene Oliver and Mr Ian Munro are appointed as the independent facilitators for the expert conferencing sessions. They are authorised to:

    a. Act as independent facilitators;
    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;
    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 (in its section 42A reporting function) and submitters' experts; and;
    e. Report to the Chair of the Hearing Panel on an as required basis on progress with the conferencing sessions and progress on any JWS setting out the outcomes, including matters agreed and not agreed.

11. While these directions 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.

12. Any enquiries regarding these Directions or related matters should be directed to the Hearing Administrator Harry Forrester at planchange@ncc.govt.nz



Greg Hill Chairperson

14 June 2024