

Before Hearing Commissioners
at Waikato Regional Council

I mua i te kaikōmihana
ki te kaunihera o te rohe o Waikato

under: the Resource Management Act 1991

in the matter of: Proposed Plan Change 1 to the Waikato Regional Plan

between: **Mercury NZ Limited**
Submitter 73182

and: **Waikato Regional Council**
Consent Authority

Memorandum of counsel for Mercury NZ Limited
(Submitter 73182) in relation to proposed expert conferencing on
Table 3.11-1

Dated: 8 March 2019

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**MEMORANDUM OF COUNSEL FOR MERCURY NZ LIMITED IN
RELATION TO PROPOSED EXPERT CONFERENCING REGARDING
TABLE 3.11-1**

- 1 This memorandum responds to the Memorandum of Counsel for Waikato Regional Council (*WRC*) dated 7 March 2019 in relation to proposed expert conferencing for Plan Change 1 (*PC1*).
- 2 Mercury NZ Limited (*Mercury*) supports expert conferencing on the matter of Table 3.11-1 in PC1, as proposed.
- 3 Mercury confirms that its expert witness, Dean Miller, will attend that conferencing.
- 4 Mercury also generally supports the draft agenda circulated by Counsel for WRC. In particular:
 - 4.1 Mercury agrees that the specific questions for conferencing should be determined by the experts attending conferencing, with the assistance of the Facilitator;
 - 4.2 Mercury is content for WRC experts who have not provided evidence to attend and participate in the conferencing;
 - 4.3 Mercury supports the provision of "will say" statements by the witnesses attending the conference; and
 - 4.4 Mercury considers that post-conferencing steps should be considered following completion of the joint statement, with the expectation that (as a minimum) parties should have an opportunity to make legal submissions.
- 5 Mercury's key concern is to ensure that the limited time available to expert conferencing is not monopolised by matters that are beyond the scope of PC1, and in particular additional water quality attributes that were not identified in Table 3.11-1 as notified.
- 6 Mercury intends to address the issue of the scope of PC1, and validity of submissions seeking to insert further attributes, in more detail in its legal submissions to be presented at the hearing.
- 7 For the above reasons, Mercury seeks that the Independent Hearings Panel issue a specific direction to the experts as to the matters expected to be discussed at caucusing, confining such

matters to Table 3.11-1 and matters that are within the scope of PC1.

Dated: 8 March 2019

A handwritten signature in blue ink, reading "C Somerville-Frost".

Catherine Somerville-Frost / Alana Lampitt
Counsel for Mercury NZ Limited