

Kate McKinlay

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Sent: Friday, 14 April 2023 10:03 AM
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Cc: Tinkler, Michael; Kelly, Karina
Subject: pSWLP - Tranche 1 PHC 13/04/2023

Good morning,

Further to the prehearing conference held on 13 April 2023 Judge Borthwick, [directs](#):

Policy 30 and Rule 78

Policy 30 and Rule 78 are referred to expert conferencing. This is a joint conference of planner and ecology experts. The court will make enquiries as to the availability of a Commissioner to facilitate the conference.

The joint witness statement is to be filed in court by **19 May 2023** and referred the **same day** to the witnesses participating in relation to the sense check of Appendix N. The participants in the sense check are to consider any recommendations made in relation to Appendix N: FEMP on the same terms as previously directed. A written response prior to the commencement of the hearing is not anticipated, instead their views will be elicited by counsel.

The Planning and Ecology Joint Witness Statement will be the evidence on Policy 30 and Rule 78 with a supporting s 32AA evaluation. No provision has been made for the filing of briefs of evidence. Given this, it is critically important that the participating experts give detailed but succinct explanations for any proposed amendments. Reasons in support of changes are as important as the reasons for not supporting changes recommended by other witnesses. Each witness is to be provided a copy of the Environment Court Practice Note 2023 and to be familiar with and to comply with clauses 9.2, 9.4-9.5. The Regional Council is to provide a scribe for this event.

By **23 May 2023**, the parties will file a memorandum setting out their position on drafting of Policy 30 and Rule 78 in the Planning and Ecology Joint Witness Statement.

Provisions yet to be addressed

The Regional Council, having conferred with the parties, will file a memorandum on **1 May 2023** identifying any provisions that the court has yet to make a final decision. This direction does not include provisions being addressed in Tranche 2 and 3.

Court's amendment to provisions other than Policy 30 or Rule 78

Policy 30 and Rule 78 excepted, the Regional Council, having conferred with the other parties, will file a memorandum on **1 May 2023** responding to changes proposed by the court in relation to the provisions.

Hearing Schedule

The Regional Council is to file the Hearing Schedule on **24 May 2023**.

Hearing

The hearing is set down for the week commencing **29 May 2023**. The hearing is to address Policy 30 and Rule 78 and Appendix N: FEMP. The hearing will include witnesses participating in the sense check of Appendix N together with witnesses participating in the expert conferencing of Policy 30 and Rule 78. Closing submissions will be given at the conclusion of evidence.

Leave

Leave is granted for any party to seek further or amended directions.

Kind Regards,



Liam Davies

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