

**BEFORE THE AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL
AUCKLAND**

IN THE MATTER of the Resource Management Act 1991 as amended by the Local Government (Auckland Transitional Provisions) Amendment Act 2010

AND

IN THE MATTER of submissions lodged on the Proposed Auckland Unitary Plan

**JOINT MEMORANDUM OF COUNSEL PROVIDING FEEDBACK ON PROPOSED
EXCHANGE AND PRESENTATION OF EVIDENCE DIRECTIONS**

5 SEPTEMBER 2014

RUSSELL McVEAGH

B J Matheson
Phone +64 9 367 8228
Fax +64 9 367 8590
PO Box 8
DX CX10085
Auckland

MAY IT PLEASE THE PANEL:

1. This memorandum of counsel is in response to an invitation from Judge Kirkpatrick to provide feedback on a draft direction on the exchange and presentation of evidence. Counsel support the proposed direction and appreciate the opportunity to provide feedback.
2. Paragraph 13 clarifies that Auckland Council evidence must be exchanged along with all other evidence. Counsel support this clarification and agree that it is appropriate. While it will be preferable to know the Council's position well in advance of evidence exchange, and it is hoped the Panel will encourage that, it will be critical that submitters receive the Council's evidence in support of its position sufficiently in advance of the hearing, and also to enable rebuttal evidence where appropriate within the parameters set out in the draft direction. Simultaneous exchange of submitter and Auckland Council evidence is a welcome clarification to what was sought in our previous memo.
3. Counsel respectfully suggest that the direction could also clarify that Auckland Council is bound to the same rebuttal timeframe as other parties.
4. Paragraph 11 directs that reports by expert conference facilitators and mediators, as far as reasonably practicable, be uploaded to the Panel website 20 working days prior to the relevant hearing. We assume that this would include any expert caucusing statements and any agreed bundles of document prepared by experts which they wish to rely upon, but this could be clarified if the Panel considers it appropriate.
5. Counsel have sought to consult with each of the clients who supported the original memorandum, but it has not been possible to obtain feedback from all of them in the time available.

Dated 5 September 2014



B J Matheson

Counsel for Unitec Institute of Technology, Fulton Hogan Limited

Fonterra Co-operative Group Limited, Vector Limited



D A Nolan

Counsel for Ports of Auckland Limited, Scentre (New Zealand) Limited
(formerly Westfield (New Zealand) Limited)



J K Gardner-Hopkins

Counsel for KiwiRail Holdings Limited, Genesis Energy, and Aquaculture
New Zealand



B S Carruthers

Counsel for Progressive Enterprises Limited