

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

IN THE MATTER of the Resource Management Act 1991
AND of the direct referral of applications for
resource consents for the necessary
infrastructure and related activities
associated with holding the America's Cup in
Auckland
BETWEEN PANUKU DEVELOPMENT LIMITED
Applicant
ENV- 2018- AKL- 000078
AND AUCKLAND COUNCIL
Regulatory Authority

FURTHER MINUTE TO THE PARTIES CONCERNING ARRANGEMENTS FOR THE
HEARING
4 September 2018

[1] The Court is grateful to the Applicant for its memorandum yesterday (3 September) about preparation for the hearing. In particular, for recognising that the Court would want to start to gain an understanding of the numbers of witnesses to be questioned.

[2] It is, as noted in Panuku's paragraph 13, fair for parties and the witnesses themselves, to know who will need to present themselves next week.

[3] The Court notes Panuku's list of remaining issues in its paragraph 3; also, that some of those might narrow further or be resolved by rebuttal evidence.

[4] Rebuttal evidence (soft copy) will be exchanged tomorrow 5 September (and filed electronically in Court).

[5] The Court asks that parties urgently read and consider that evidence. Assuming Panuku's list of all witnesses (its Appendix A) is accurate, we ask that all parties intending to attend the hearing (and we recognise that many have signalled their issues are settled, and will not attend), contact counsel for Auckland Council on Thursday 6 September



by noon, advising which witnesses they wish to question, and which not. Counsel for the council are asked to press parties for responses within that time frame.

[6] An interpreter has been requested for 2 witnesses for mana whenua in opposition – Josephine Peita and Martin TeMoni. The Courts' interpretation service needs rather precise booking arrangements; tentatively scheduled at this stage for Wednesday next week. If those witnesses are not to be questioned by other parties the Court would be assisted by knowing promptly through council's report next described and directed.

[7] Counsel for the council will update Appendix A electronically to the Court by 5pm Thursday 6 September, with inputs by parties.

[8] The issues in the case have narrowed considerably, and may narrow further in rebuttal stage. The Court requires that questioning of witnesses on remaining issues be very focussed. Refer **s92(1) Evidence Act 2006** ("a party must cross examine a witness on **significant** matters that are relevant and in issue"- emphasis supplied) , underpinned of course by one of the basic premises in the Act in s 25(1), that expert evidence, to be admissible, must be likely to offer **substantial** help to the Court – emphasis supplied.

[9] Counsel for the council are charged with speaking with other counsel and providing the Court with an estimate of hearing time in their 6 September report. The Court currently has the feeling that the hearing should take less than a full week, that is should be concluded before Friday 14 September.



LJ Newhook

Principal Environment Judge

