

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

AND

IN THE MATTER **Intensification Planning Instruments Plan Changes (IPI) and related Regional Policy Statement and Plan Changes to the Auckland Unitary Plan – Operative in Part (AUP-OP)**

DIRECTION (13 JULY 2023) FROM THE HEARING PANEL

HEARING PANEL’S DIRECTION IN RESPONSE TO A JOINT MEMORANDUM OF COUNSEL ON BEHALF OF AUCKLAND THOROUGHBRED RACING INCORPORATED AND AUCKLAND COUNCIL REGARDING THE HEARING TIMETABLE AND ALTERNATIVE DISPUTES RESOLUTION FOR TOPIC 020M I312 ELLERSLIE 2 PRECINCT

1. In accordance with the Resource Management Act 1991 (RMA) - Part 6 Clause 96 of the First Schedule and sections 34 and 34A, the Auckland Council (the Council) has appointed an Independent Hearing Panel (IHP). The IHP has been delegated to hear submissions and make recommendations to the Council on the IPI plan changes and decisions on the non IPI plan changes. Its delegations also include addressing any procedural matters.
2. The IHP has received a Joint Memorandum on behalf of Auckland Thoroughbred Racing Incorporated (ATR) and Auckland Council¹. The memo has requested a deferral to the hearing date and evidence exchange timetable on the Topic 020M I312 Ellerslie 2 Precinct due to the unavailability of ATR's landscape expert. The Memo also seeks expert conferencing be directed on the same topic.
3. In response to the Joint Memorandum the IHP has decided (and directs accordingly):
 - a. the hearing on Topic 020M I312 Ellerslie 2 Precinct is deferred from the dates notified for the reasons set out in the joint memorandum, and
 - b. that expert conferencing be scheduled for Topic 020M I312 Ellerslie 2 Precinct.
4. Mr Otter will liaise with all relevant parties to arrange revised dates for evidence exchange, hearing dates, as well as expert conferencing for Topic 020M I312 Ellerslie 2 Precinct and will notify them accordingly.

¹ Joint Memo dated 11 July 2023

5. Any enquiries regarding this Direction, or related matters, should be directed to the Senior Hearing Advisor, Mr Sam Otter by email at npsudhearings@aucklandcouncil.govt.nz.



Karyn Kurzeja, Acting Chair
13 July 2023

BEFORE THE INDEPENDENT HEARINGS PANEL

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of Proposed Plan Change 78: Intensification to the
Auckland Unitary Plan Operative in Part

**JOINT MEMORANDUM OF COUNSEL ON BEHALF OF
AUCKLAND THOROUGHBRED RACING INCORPORATED AND AUCKLAND
COUNCIL**

11 JULY 2023

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MAY IT PLEASE THE PANEL:

1. This joint memorandum is filed on behalf of Auckland Thoroughbred Racing Incorporated ("**ATR**") and Auckland Council ("**Council**") in response to:
 - (a) the Notice of Hearing received from the Hearings Administrator on 29 June 2023 for Topic 020M: I312 Ellerslie 2 Precinct ("**Topic 020M**") setting down an evidence exchange timetable¹ and allocating hearing time on 19 and 20 September 2023; and
 - (b) the Alternative Disputes Resolution Schedule updated on 16 June 2023, which does not include Topic 020M for expert conferencing or mediation.

Hearing time and conferencing

2. ATR's landscape expert, Ms de Lambert, who has substantial long-term knowledge of ATR's landholdings, is unavailable between 4 August and 27 September 2023.
3. Given this, Counsel for ATR and Council have liaised and respectfully request a deferral of Hearing Topic 020M and the evidence exchange timetable to a later date which works for the Panel and all parties, as soon as possible after 27 September 2023.
4. Counsel also consider that expert conferencing would be useful prior to the hearing. Counsel agree that this should occur after the exchange of primary evidence and before any Council rebuttal.

Directions sought

5. Counsel respectfully seeks the following directions:
 - (a) the evidence exchange timetable and the substantive hearing of Topic 020M (scheduled to commence on 19 September 2023) is vacated; and
 - (b) within two weeks of receiving a response to this deferral request, Counsel will liaise with the Hearings Administrator to determine appropriate hearing dates for the Panel and all parties and will file a

¹ With Council evidence due on 14 August 2023, submitter evidence due on 28 August 2023, rebuttal evidence due on 11 September 2023 and legal submissions due on 14 September 2023.

reporting memorandum including a suggested timetable for the resolution (including expert conferencing) of Topic 020M.

Dated: 11 July 2023



D Minhinnick / A Gilbert
Counsel for Auckland Thoroughbred Racing Incorporated



M Allan / R Ashton
Counsel for Auckland Council