

From: [Maria Joslin](#)
To: [Brian Warburton](#)
Cc: [Robyn](#)
Subject: PC18-107 Memorandum in Relation to Evidence
Date: Wednesday, 2 September 2020 9:57:00 AM
Attachments: [image001.png](#)

Kia ora Brian

Thank you for your email and attached memorandum.

I have forwarded this to the Hearing Panel for their consideration, and following is their response:

"Thank you for your memorandum dated 29 August 2020.

We understand that Ms Smith is your partner. If that is correct, and you are considering providing expert evidence to the Panel, we advise you to look carefully at the Code Of Conduct - <https://www.environmentcourt.govt.nz/assets/Documents/Publications/2014-ENVC-practice-notes.pdf> as to limitations on your ability to be an expert witness. You are of course able to provide non-expert evidence / a statement to the Panel on behalf of Ms Smith.

In relation to the length of your 'evidence' you note in your memorandum the importance of conciseness. If you are providing non expert evidence clause 9.1 of the Minute has no page limitation. If you are providing expert evidence, on the basis that any material you prepare for Ms Smith is concise, not repetitive and focused on the key issues then the Panel grants leave for you up to a maximum of 40 pages (we note that this excludes appendices as set out in clause 9.7). Please do not take the 40 pages as a target but focus on the quality of the content in order to assist the Panel.

Your statement/evidence must be provided to the Panel within the timeframe set out in either clause 9.1 or clause 9.4 of the Panel's Minute 1."

Ngā mihi,

Maria Joslin

Consultation Support Coordinator
Kairuruku Tautoko Akoako

poriruacity

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From: Brian Warburton <xxxxx.xxxxxxxx@xxxx.xx.xx>
Sent: Saturday, 29 August 2020 3:37 PM
To: Maria Joslin <xxxxx.xxxxxx@xxxxxxxxxxxxx.xxxx.xx>
Cc: Robyn <[REDACTED]>
Subject: [EXTERNAL] Memorandum in Relation to Evidence

Hello Maria

Please find attached my memorandum to the hearing panel.

Can you please ensure this is forwarded onto the panel members.

From: [David Allen](#)
To: [Maria Joslin](#)
Subject: [EXTERNAL] RE: Plimmerton Farm - Panel Site Visit
Date: Tuesday, 1 September 2020 12:19:01 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Yes please ask Maria to call and I will revise Brian's email now.

DAVID ALLEN | PARTNER | BUDDLE FINDLAY

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From: Maria Joslin <[x@x](#)>
Sent: 1 September 2020 12:03
To: David Allen <[x@x](#)>
Subject: RE: Plimmerton Farm - Panel Site Visit

Hi David

There has been no further feedback from submitters on the site visit.

Shall I ask Mary to contact you directly about arrangements for the site visit? As I understand it she has started the planning for it, due to commence at 9am. She hasn't seen the place of interest suggestion I sent to you last week.

I have a few more queries from submitters that I will send through to you shortly.

Did you revise your response to Brian Warburton? As I haven't sent a reply to him yet.

Ngā mihi,

Maria Joslin

Consultation Support Coordinator
Kairuruku Tautoko Akoako

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From: David Allen <[x@x](#)>
Sent: Tuesday, 1 September 2020 10:46 AM
To: Maria Joslin <[x@x](#)>

From: [David Allen](#)
To: [Maria Joslin](#)
Subject: FW: [EXTERNAL] Memorandum in Relation to Evidence [BUD-LIVE.FID949574]
Date: Tuesday, 1 September 2020 1:54:17 PM
Attachments: [image004.png](#)
[image002.png](#)
[image003.png](#)

Hi Maria,

A revised email for Brian is below. Not sure we can make the partner reference but that is our understanding – call if you would like to discuss that but I think we are best to be upfront.

"Thank you for your memorandum dated 29 August 2020.

We understand that Ms Smith is your partner. If that is correct, and you are considering providing expert evidence to the Panel, we advise you to look carefully at the Code Of Conduct - <https://www.environmentcourt.govt.nz/assets/Documents/Publications/2014-ENVC-practice-notes.pdf> as to limitations on your ability to be an expert witness. You are of course able to provide non-expert evidence / a statement to the Panel on behalf of Ms Smith.

In relation to the length of your 'evidence' you note in your memorandum the importance of conciseness. If you are providing non expert evidence clause 9.1 of the Minute has no page limitation. If you are providing expert evidence, on the basis that any material you prepare for Ms Smith is concise, not repetitive and focused on the key issues then the Panel grants leave for you up to a maximum of 40 pages (we note that this excludes appendices as set out in clause 9.7). Please do not take the 40 pages as a target but focus on the quality of the content in order to assist the Panel.

Your statement/evidence must be provided to the Panel within the timeframe set out in either clause 9.1 or clause 9.4 of the Panel's Minute 1."

Cheers,

David

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From: David Allen
Sent: 31 August 2020 11:29
To: Maria Joslin <xxxxx.xxxxxx@xxxxxxxxxxxxxx>
Subject: RE: [EXTERNAL] Memorandum in Relation to Evidence [BUD-LIVE.FID949574]

Thanks Maria,

Brian is also a submitter isn't he? I haven't read his submission yet but it is unlikely he can provide "expert" evidence for another submitter in compliance with the Code of Conduct as he appears to

want to do. This response will likely lead to a memo on that basis. Please could you email the list of experts to the Panel but don't worry with this memo – they have better things to focus on.

Please could you respond to Brian as follows:

"Thank you for your memorandum dated 29 August 2020.

While you are welcome to provide 'evidence' to the Panel on behalf of Ms Smith, please bear in mind your ability to comply with the Environment Court Code of Conduct. The Panel have not yet read your submission but it may well be that your submission affects your ability to provide 'expert' evidence to the Panel (and attend any expert conferencing) on behalf of Ms Smith. Please carefully consider this matter. But, you are welcome to provide non-expert evidence / a statement to the Panel on behalf of Ms Smith should that be the outcome.

You note in your memorandum the importance of conciseness. On the basis that any material you prepare for Ms Smith is concise, not repetitive and focused on the key issues then the Panel grants leave for you up to a maximum of 50 pages. Please do not take the 50 pages as a target but focus on the quality of the content in order to assist the Panel. Your statement/evidence must be provided to the Panel within the timeframe set out in clause 9.1 (or if you can comply with the Code of Conduct clause 9.4) of the Panel's Minute 1."

Maria, please could you also emails Forest and Bird et al back and thank them for their memo and attached documents and say the Panel is discussing it and will respond in due course.

Just call if there is anything to discuss.

Cheers,

David

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From: Maria Joslin <xxxxx.xxxxx@xxxxxxxxxxxxx.xxxx.x>
Sent: 31 August 2020 10:45
To: David Allen <xxxxx.xxxxx@xxxxxxxxxxxxx.xxx>
Subject: FW: [EXTERNAL] Memorandum in Relation to Evidence

Mōrena David

Please see the attached memo from Brian Warburton seeking leave to submit longer evidence.

I have also attached the list of experts received so far, which I am about to discuss with Jason Jones also.

Would you like these circulated to the panel also?

Ngā mihi,

Maria Joslin

Consultation Support Coordinator
Kairuruku Tautoko Akoako

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Tel: (04) 237 3863

porirucity.govt.nz

From: Brian Warburton <xxxxx.xxxxxxxxxx@xxxx.xx.xx>
Sent: Saturday, 29 August 2020 3:37 PM
To: Maria Joslin <xxxxx.xxxxxx@xxxxxxxxxxxxx.xxxx.xx>
Cc: Robyn <[REDACTED]>
Subject: [EXTERNAL] Memorandum in Relation to Evidence

Hello Maria

Please find attached my memorandum to the hearing panel.

Can you please ensure this is forwarded onto the panel members.

Thanks

Brian Warburton

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