

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

AND

IN THE MATTER of **Private Plan Change 100** – Riverhead to the Auckland
Unitary Plan – Operative in Part

HEARING DIRECTION #3 FROM THE HEARING PANEL

1. Pursuant to sections 34 and 34A of the RMA, Auckland Council (the Council) has appointed a Hearing Panel consisting of three independent hearing commissioners – Karyn Kurzeja (Chairperson), Nigel Mark-Brown and Vanessa Wilkinson. The Hearing Panel's function is to hear the application and submissions and make a decision on the Plan Change proposal, including any changes to it that are within scope of the notified Plan Change. It is also to deal with any procedural matters.

Expert Conferencing

2. During the course of the hearing it became clear to the Hearing Panel that expert conferencing between the experts would be beneficial. Clause 8AA – Resolution of Disputes of the First Schedule of the RMA enables a process to clarify and resolve disputes between parties. Accordingly, the Hearing Panel directs expert conferencing on this basis as set out below.
3. The purpose of the expert conferencing will be for the parties' experts to identify, discuss and potentially resolve (or not) the points of difference between them in relation to the following topics:
 - Water and Wastewater (including both corporate and expert witnesses)
 - Traffic / Transport
 - Stormwater
 - Planning; noting that the planners will be able to attend the topic sessions above to observe along with the 'technical' experts.
4. The conferencing will enable all parties to focus on matters that are in contention and may reduce the extent of matters that remain in dispute. In particular, the Hearing Panel has the following questions for the respective experts:

Water and Wastewater:

- What is the infrastructure capacity (DUEs) that is currently available for Riverhead?

- Are the Housing and Business Development Capacity Assessment (HBA) plan enabled numbers of 1,800 to 8,000 DUEs for all of Kumeū-Huapai-Riverhead area realistic, or are these numbers likely to be conservative for the reasonably expected to be realised development?
- Is it necessary to carry out a more detailed and accurate assessment of the reasonably expected to be realised capacity (RER). If not necessary, what are the RER numbers for the Kumeū-Huapai-Riverhead area?
- If additional assessment work is required, what does this involve and how long would that take?
- If the mandatory Medium Density Residential Standards are removed, what impact will that have on the RER numbers?
- What is the RER for Riverhead?
- What water /wastewater capacity needs to be left for the RER in Kumeū and Huapai?
- What bulk and local water infrastructure upgrades are required to service PC100?
- What bulk and local wastewater infrastructure upgrades are required to service PC100?
- What is required to get the required infrastructure built and in / on the ground?
- When do these upgrades need to occur by in order for PC100 to get underway?
- What interim solutions are available and appropriate to service PC100?
- Can PC100 advance relying on the interim solutions on a staged basis? If so, what would this involve?
- Should there be a standard within the precinct provisions requiring connection to a functioning water and wastewater infrastructure system with sufficient capacity to service the plan change area prior to subdivision or development? If so, what should those triggers be?

Traffic / Transport:

- What roading upgrades are required to enable PC100 to be developed?
- When do the above required upgrades need to occur by in order for PC100 to be developed?
- Is 30 houses the most appropriate trigger for the roading upgrades to occur?
- The Riverhead community is concerned about the impacts of construction traffic on the existing network. If the plan change was to be approved, what roading upgrades should be required to occur before earthworks, civil and building construction begins?
- What interim upgrades are required for the SH16 / Coatesville Riverhead Highway intersection to mitigate the safety and capacity effects of PC100, until such time as NZTA undertakes the full upgrade?
- Should the existing slip lane in front of the Boric property be included within the interim upgrade design?

- What interim upgrades are required between the SH16 / Coatesville Riverhead Highway intersection and the Brigham Creek Road roundabout to mitigate the safety and capacity effects of PC100, until such time as NZTA undertakes the full upgrade?
- What local roading upgrades are required to enable PC100 to be developed?
- When should these local roading upgrades occur?
- Should the Standard E27.6.1. Trip generation form a part of the precinct provisions? Why / why not?

Stormwater:

- Is the Applicant's stormwater model fit for purpose to assess the impact of development from PC100 on flooding downstream of the PC100 area?
- Is the Applicant's stormwater model of a sufficient level of detail and granularity that it can show that the requirements of Schedule 2 and 4 of the NDC can be met in full, or alternatively that a Best Practicable Option in relation to flood management can be achieved?
- If the answer is "no" to either questions 1 or 2 above, what additional modelling is required to be undertaken? How long will this work take?
- Will PC100 result in an increase in flooding on downstream (or upstream) properties over and above the existing situation?
- Is the proposed stormwater management approach an appropriate method to manage and/or mitigate the stormwater runoff?
- What alternative stormwater management approaches could be considered?
- Is any part of the property at 22 Duke Street required for the integrated stormwater management approach being proposed?
- Is the flood plain line, based on not more than 200mm depth of water in a 1 per cent AEP flood event, the most appropriate location for an urban zoning boundary?
- Given the sensitivity to flooding downstream, is there a more appropriate location for this boundary?
- Is the implementation of the stormwater management proposal impacted by the staging of the development? i.e. if one landowner goes ahead of another?
- Does the SMP need to address the staging of the development? If so, does there need to be staging provisions within the precinct provisions, for stormwater management as well?
- Does the upgrade of the Riverhead Road culvert need to occur in advance of any development on site, or just development of certain sub-catchments on the site?
- There is uncertainty regarding whether hydrology mitigation / the SMAF control is required for the Riverhead Point Drive catchment. Does this matter need to be included within the precinct provisions or is it appropriate to leave this matter to implementation of the SMP through the resource consent process?
- Is additional work required to understand the potential for stream channel erosion to occur downstream of PC100, especially within the Northern Riverhead Forest Stream and the Southern Stream area?

- Have the necessary precinct provisions required to integrate stormwater management into the development been incorporated within the proposed precinct provisions?
- Are the proposed precinct provisions consistent with the proposed SMP?
- Does the SMP need to be revised / updated, and accepted by Healthy Waters prior to a decision being issued on PC100?

Planning

- What is the most appropriate zoning for 22 Duke Street and 30 Cambridge Road, and therefore the location of the RUB?
 - What should the activity status for non-compliance with the required transport upgrades be?
 - What should the activity status for non-compliance with the required infrastructure upgrades be?
 - What additional amendments are required to the objectives and policies to support those activity statuses?
 - Should there be a standard within the precinct provisions requiring connection to a functioning water and wastewater infrastructure system with sufficient capacity to service the plan change area prior to subdivision or development? If so, what should those triggers be based upon?
 - What are the relevant matters that Council should be restricted to in its direction if infringements to the transport and infrastructure upgrade standards were to be classed as Restricted Discretionary activities?
 - What changes could be made to the precinct provisions relating to the local roading upgrades to ensure they are fair and equitable for all landowners within PC100?
 - What should the purpose of the multi-purpose green corridor be?
 - What changes would need to be made to the precinct provisions to ensure that the multi-purpose green corridor is implemented?
 - Are there any gaps between the Overlays, the Auckland-wide provisions and the precinct provisions that should be addressed within the precinct provisions in relation to the National Grid Corridor Overlay, natural hazards and flooding and infrastructure etc?
 - Should the Copper Beech tree be scheduled as a part of PC100?
5. Parties are to inform the Council's Hearings Manager, Ms Julie McKee (email address below) of the expert witnesses (name, expertise, and contact details) who will attend the conferencing sessions no later than **Thursday 5th June 2025**.
 6. If any submitters have called experts and wish for them to attend the expert conferencing, please note that the submitter is responsible for any costs of experts attending expert conferencing.

7. The Hearing Panel directs that the conferencing undertaken is in accordance with the Environment Court Practice Note 2023 and in particular – Section 9 - Code of conduct for expert witnesses. Also, those experts participating in the conferencing are to make themselves available to appear at a reconvened hearing if required to do so by the Hearing Panel.
8. The Hearing Panel delegates the organisation of the conferencing sessions to the Independent Facilitator in accordance with paragraph 9 below.
9. Ms Marlene Oliver has been appointed by the Hearing Panel as the Independent Facilitator for the expert conferencing sessions. Ms Oliver is authorised to:
 - (a) Act as the independent facilitator;
 - (b) In conjunction with the Council (as administrator) invite submitters and the Council as regulator (in its section 42A reporting function) to advise whether their expert witnesses in the relevant fields will attend the expert conferencing sessions;
 - (c) In conjunction with the Council (as administrator) organise the sessions (including format, topics, agendas, attendance and Joint Witness Statements (JWS), times and venues – in person or on-line as appropriate;
 - (d) Liaise with the Council and its experts (in its section 42A reporting function) and with submitters and their experts, and;
 - (e) Report to the Chair of the Hearing Panel on an as required basis on progress with the conferencing sessions and on any JWS setting out the outcomes, including matters agreed and not agreed.
10. While this direction cannot compel the parties to agree to take part in the conferencing sessions or compel the experts (and in the case of the water and wastewater topic, the corporate witnesses) to attend and participate, we strongly recommend that they do so. These sessions will provide a degree of formality for those parties and witnesses who attend in an effort to clarify, resolve or narrow the issues in contention.
11. Any enquiries regarding these Directions or related matters should be directed to the Council's Hearings Manager, Julie McKee, by email at Julie.mckee@aucklandcouncil.govt.nz



Karyn Kurzeja, Chairperson
29 May 2025