

IN THE MATTER OF the Resource Management Act 1991 (the RMA)

AND

IN THE MATTER OF Eight Notices of Requirement (NoRs) for the Warkworth Projects by Te Tupu Ngātahi Supporting Growth Alliance (SGA), a partnership between Auckland Transport (AT) and Waka Kotahi NZ Transport Agency (Waka Kotahi)

DIRECTION #4 OF 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 – Richard Blakey (Chairperson), Vaughan Smith and Mark Farnsworth. The Hearing Panel’s function is to hear the applications and submissions and make recommendations to the Requiring Authority on its eight NoRs (**Warkworth Projects**). It is also to deal with any procedural matters.
2. A summary of the eight NoRs were included in the Hearing Panel’s Direction #1 dated 9 August 2023.
3. The hearing for the NoRs commenced on 13 November 2023 and was adjourned on 22 November 2023.
4. The Requiring Authority’s Reply was received on 20 December 2023 and the Panel is now determining whether it is able to close the hearing and proceed to preparing its recommendations on the NoRs.
5. While the Reply is comprehensive, the Panel has determined that further information and/or clarification is required before it can close the hearing, as follows:
 - (a) The Reply advises of further discussions with Healthy Waters (paragraph 12.10), but that although changes have been made to the conditions, disagreements remain. The Panel would be assisted by further clarity as to the extent of disagreement following those discussions, in particular, through track-changes shown in Appendix A to the Reply being made relative to the changes proposed by the Council/Healthy Waters as set out in Attachment 2 to the Council Response.¹

¹ EV128, at pp.18/19

The Panel also notes the advice contained in the Reply that discussions with Healthy Waters are ongoing, and any updates in this regard may also be provided as part of its reply on this matter.

- (b) The Panel queries the provision of conditions at Appendix B of the Reply – these are headed as ‘clean copy’, per paragraph 1.2(b) of the Reply, but are shown in track-change format. In any event, the Panel would be assisted by being provided with a Word version of the ‘clean copy’ version of its proposed conditions.
 - (c) The Reply addresses the Panel’s queries raised during the hearing regarding the proposed advice note to the ULDMP condition, and the Reply conditions have retained the advice note. The Panel notes that Mr Scrafton had, during the hearing, accepted that the advice note can be deleted.² Further clarification as to the Requiring Authority’s position in this regard is requested.
6. The Panel will commence its deliberations on the NoRs following receipt of the Requiring Authority’s response to the above matters.
 7. This Direction is to be circulated to all the parties to the hearing by the Hearings Manager, Julie McKee.
 8. Any correspondence relating to this Direction and related matters should be sent to Ms McKee via julie.mckee@aucklandcouncil.govt.nz.



Richard Blakey (Chairperson)
for the Hearing Panel

23 January 2024

² Transcript, 15 November 2023