

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

AND

IN THE MATTER of a **Notice of Requirement** and **resource consents** for Eastern Busway Stage 2 (EB2 NoR), (EB2) and (EB3R)

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 - Sarah Shaw (chair), Ian Munro, and Nigel Mark-Brown. The Hearing Panel's function is to hear the resource consent applications and submissions and to make a recommendation on the Notice of Requirement (NOR). It is also to deal with any procedural matters.
2. The hearing has been set down for up to four days commencing on Monday 15 May 2023.
3. In Direction #2 issued by the Chairperson on 16 March 2023:
 - (a) Legal submissions were requested to be pre-circulated by 5.00pm Wednesday 10 May 2023.
 - (b) The hearing panel indicated that they are likely to carry out a site visit after hearing the opening legal submissions from the applicant on day one of the hearing.
4. In the Council's section 42A report on the resource consents for EB3R an issue was raised with respect to whether the applications require re-notification. This has also been discussed in the applicant's evidence.
5. The hearing panel have determined to deal with the issue of re-notification first on Monday 15 May 2023, hearing all legal submissions on this procedural point.
6. The hearing panel request that this issue be addressed in a separate set of legal submissions if possible, and would be assisted if legal submissions addressed:
 - s104(3)(d), relevance to amendments to an application after notification, and any equivalent provision for NOR.
 - Relevance of permitted activities.
7. The hearing will then progress with the opening legal submissions from the applicant.

8. The hearing panel would be assisted if legal submissions addressed the following issues (with respect to any legal submissions for submitters, to the extent relevant to the submission):
- Waiver of Outline Plan for the Notice of Requirement.
 - The National Policy Statement for Freshwater Management and National Environmental Standards for Freshwater as amended 2023 and implications for resource consents required.
 - Climate change amendments to the RMA.
 - Approach to Part 2 of the RMA for resource consents and NOR.
 - Permitted baseline.
 - Given the Eastern Busway Alliance (EBA) structure, whether witnesses for the applicant who are part of the EBA are giving evidence as independent consultants.
 - Riverhills Park mitigation works subject to further approvals or consents.
 - Reduction in tree planting between application and applicant's evidence with respect to "completed detailed design".
9. If any of these matters cannot be addressed in the legal submissions prior to pre-circulation by 5.00pm Wednesday 10 May 2023, they may be addressed in supplementary legal submissions presented at the hearing.

Any enquiries regarding these Directions or related matters should be directed to the Council's Senior Hearings Advisor, Patrice Baillargeon by email at patrice.baillargeon@aucklandcouncil.govt.nz.



Sarah Shaw
Chairperson
8 May 2023