

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

AND

IN THE MATTER of a **Notice of Requirement** for Eastern Busway Stage 2 (EB2 NoR).

HEARING DIRECTIONS 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, Nigel Mark-Brown. The Hearing Panel's function is to hear the application and submissions and make a recommendation on the Notice of Requirement. It is also to deal with any procedural matters.
2. EB2 NoR is located at Pakuranga Town Centre and encompasses works on Ti Rakau Drive, Pakuranga Road, Reeves Road, Cortina Place and the South-Eastern Highway.
3. The hearing has been set down for up to eight days commencing on **Monday 8 May 2023**. This is to enable the Applicant to present its case and for the submitters to present their submissions to the Hearing Panel.
4. In accordance with section 103B of the RMA, for resource consents pre-circulation of the authority's evidence, applicant's evidence and submitters expert evidence is mandatory. The hearing panel are hearing multiple resource consent applications and a Notice of Requirement concurrently. This direction is to bring the evidence for the Notice of Requirement into line with that of the resource consents.
5. In terms of procedural matters, section 41B of the RMA provides that the Council may direct that evidence from any expert be provided to the parties before the hearing. Section 42A of the RMA provides that the Council may prepare a report on the matters to be considered and be provided prior to the hearing. The Hearing Panel is aware that a section 42A report is being prepared by the Council.
6. The Chairperson has considered whether any directions are appropriate under either or both of sections 41B and 42A.
7. Accordingly, the Hearing Panel directs as follows for the Notice of Requirement EB2:
 - (a) Pursuant to section 42A of the RMA, the section 42A hearing report shall be provided to the Council's Senior Hearing Advisor no later than 9.00am, **Tuesday, 11 April 2023**.
 - (b) The section 42A hearing report will be on the Council's website no later than 5.00pm **Thursday 13 April 2023**.
 - (c) Pursuant to sections 41B(1) and (2) of the RMA, the Applicant's evidence is to be provided to the Council's Senior Hearings Advisor no later than 12.00 midday,

Thursday 20 April 2023 and will be on the Council's website no later than 5.00pm the same day.

- (d) Pursuant to sections 41B(3) and (4) of the RMA, any submitter who intends to call expert evidence at the hearing (evidence given by a professional with specialist qualifications and experience) is to provide that evidence to the Council's Senior Hearing Advisor no later than no later than 12.00 midday, **Friday 28 April 2023** and will be on the Council's website no later than 5.00pm the same day.
8. While these Directions do not apply to lay or non-expert statements/evidence from submitters, the Hearing Panel would appreciate any written statements to be presented at the hearing by submitters to be provided to the Council's Senior Hearings Advisor no later than 5.00 pm, **Wednesday 3 May 2023**.
9. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than 5.00 pm, **Wednesday 3 May 2023**. The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
10. The purpose of these Directions is to provide the opportunity for the Hearing Panel and the other parties to have read and considered any legal submissions, evidence or statements in advance of the hearing to assist in understanding the case being presented. As the Hearing Panel will have read all the pre-circulated material before the hearing, there will be no need for it to be read out. An executive summary may be read out or the key points highlighted.
11. The hearing panel are likely to carry out a site visit after hearing the opening legal submissions from the Requiring Authority on day one of 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.

Insert signature



Sarah Shaw
Chairperson
17 February 2023