

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

AND

IN THE MATTER of **PC109 @ 98-100 & 102 Totara Road, Whenuapai** to
the Auckland Unitary Plan

DIRECTION #5 FROM THE HEARING PANEL

EXPERT CONFERENCING

1. Pursuant to section 34A of the RMA, Auckland Council (the Council) has appointed a Hearing Panel consisting of three independent hearing commissioners – Mark Farnsworth (Chairperson), Alan Pattle and Dr Lee Beattie to hear the application and submissions and make decisions on the PC109.
2. The hearing was convened on Tuesday 29 July 2025. In opening the hearing, the Panel noted that after reading the evidence placed before us, we had identified a higher order key issue in contention that needed to be resolved. Namely the water / wastewater infrastructure pre-requisites, effectively trigger points, that needed to be in place that would allow development to take place. The Panel provided guidance on the subject matters which needed to be heard. The Applicant presented their case followed by the submitters. The hearing was adjourned on 30 July 2025
3. Clause 8AA – Resolution of Disputes of the First Schedule of RMA enables a process to resolve disputes between parties. Accordingly in terms of this Plan Change the Panel directs expert conferencing on water / wastewater infrastructure pre-requisites and their placement timing. This conferencing will also include the economic experts. The sessions will be multi-disciplinary with the planners able to attend each session if they wish.
4. The Hearing Panel directs that the conference session is undertaken in accordance with the Environment Court Practice Note 2023 and in particular - Section 9 – Code of conduct for expert witness. Those experts participating in the conferencing are to make themselves available to appear at the conference session in person.
5. The Applicant has asked for an independent facilitator to be appointed and the conferencing session to be convened and completed within a two-week period. Those timelines may be difficult to achieve with expert availability so conferencing will be scheduled as soon as possible to avoid any undue delay.
6. Parties are to inform the Council's Hearings Advisor, Mr Bevan Donovan (email address below) of the expert witnesses who will attend the conferencing sessions including their name, expertise, contact details and availability no later than COB **Wednesday 6th**

August 2025. Please provide the experts' availability for the week of 1 September 2025 and for the planners only session, the week of 8 September 2025.

7. The hearing panel delegates the organisation of the conferencing sessions to the Independent Facilitator in accordance with paragraph 8 below.
8. 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.
9. If agreement is reached on the water / wastewater infrastructure pre-requisites then the planning experts will be required to attend a conference session to address Precinct conditions. This conference session to be held as early as possible in September 2025.
10. The Panel will review any statements provided and determine if the hearing is to be reconvened. If the hearing is not reconvened, then further directions will be issued for the reporting officer to provide a review of the comments and request the applicant to provide their closing statement.
11. While this direction cannot compel the parties to agree to take part in the conferencing sessions or compel the experts 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.
12. Any enquiries regarding these Directions or related matters should be directed to the Council's Hearings Advisor Mr Bevan Donovan, by email at bevan,donovan@aucklandcouncil.govt.nz .



Mark Farnsworth MNZM
Chairperson for the Panel
31 July 2025