

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

AND

IN THE MATTER of **Private Plan Changes 48** (Kiwi Property No. 2), **49** (Fulton Hogan Land Development Limited) and **50** (Oyster Capital Limited) to the Auckland Unitary Plan – Operative in Part.

DIRECTION OF THE HEARING PANEL

RECONVENING THE HEARINGS TO HEAR TRAFFIC AND PLANNING RELATED MATTERS FOR PRIVATE PLAN CHANGES 48, 49 AND 50.

1. Pursuant to section 34 and 34A of the RMA, Auckland Council has appointed a Hearing Panel consisting of independent hearing commissioners - Greg Hill (Chairperson), Mark Farnsworth and Karyn Kurzeja¹. The Hearing Panel has been delegated the authority to hear the plan change requests and submissions, and make decisions on those plan changes.
2. The Hearing Panel held a Procedural Meeting on the 28 July 2021 to discuss the process, timing and dates for the reconvened hearings. In the Hearing Panel’s Direction dated 12 July 2021 (and at the Procedural Meeting) we stated:

The Hearing Panel will likely issue formal Directions in relation to the reconvened hearings following the Procedural Meeting (most likely after the completion of the hearing of the first stage of Plan Change 48).
3. This Direction sets out the dates for the combined reconvened hearings. We have also provided a preliminary process and timeline following on from when the parties receive the updated traffic modelling/initial assessments².
4. It is understood that the updated Integrated Traffic Assessments (ITA) for each Plan Change will not be completed at the same time as the updated traffic modelling/initial assessments, and will be available as part of the Applicants’ expert evidence. On this basis we think there is merit in an initial expert conferencing session soon after updated traffic modelling/initial assessments are made available (see the table below). However, further expert conferencing should only then occur once the Applicants’ expert evidence (including the ITAs) and Submitters’ expert evidence is exchanged. The section 42A addendum report and rebuttal evidence would then follow.
5. Once the traffic modelling/initial assessments have been provided to the parties we will issue a further Direction with definitive dates for the evidence exchange and the section 42A addendum report. We will also issue a Direction with respect to expert conferencing.

¹ Ms Kurzeja in relation to Plan changes 48 and 50.

² Indicative dates have been suggested based on the traffic modelling/initial assessments being made available no later than the 3 September 2021.

6. The reconvened joint hearings dates for Plan Changes 48, 49 and 50 will be:
- 1 - 15 December 2021.**
7. We have deliberately provided a wider range of dates than we are likely to require. However, at this stage we think there needs to be some flexibility with respect to the hearing dates. We will refine those dates in a subsequent Direction.
8. The timing and process for the reconvened hearing is set out in the attached table. It is noted, and as expressed at the procedural meeting, if the traffic modelling information is received later than the 3 September, it is likely that the reconvened hearings would not occur until early 2022.

Timing and Process for the reconvened hearing for PCs 48, 49 and 50

Indicative dates ONLY	Topic
3 September 2021	Traffic modelling and Assessments completed and circulated to all parties
13, 14 or 15 September 2021	Expert Conferencing – Traffic and Planning experts Information/clarification session so everyone has the same understanding of traffic modelling/assessments.
30 September 2021	Applicants’ expert evidence due
14 October 2021	Submitters expert evidence due
20 October – 5 November 2021	Expert conferencing Traffic and Planning experts – arising from the evidence
19 November 2021	Addendum Section 42A report due
26 November 2021	Applicants’ Rebuttal evidence due
1 – 15 December 2021	Hearing –

9. At the Procedural Meeting we asked –

“Whether, given the truncated nature of the hearing, all parties are provided an opportunity to ‘sum up’ their overall case (likely to be in the nature of closing legal submissions); and if so the timing and sequencing of these.

There were differing views on this matter, with all parties agreeing it was a matter that could be determined at a later date. We agree.

10. It is likely that the reconvened hearing will be held in the Central Business District, and not Manukau.
11. Any enquiries regarding this Direction or related matters should be directed to Mr Sam Otter, the Council's Senior Hearing Advisor, by email at sam.otter@aucklandcouncil.govt.nz



Greg Hill - Chairperson
9 August 2021