

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

RECONVENED HEARINGS DATES, PROCESS AND EVIDENCE EXCHANGE (TO HEAR TRAFFIC AND PLANNING RELATED MATTERS¹) 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 Kurzeja². The Hearing Panel has been delegated the authority to hear the plan change requests and submissions, and make decisions on these plan changes.
2. The Hearing Panel held a Procedural Meeting on the 28 July 2021 to discuss the process, timing and dates for the combined reconvened hearing of the three Plan Changes. In the Hearing Panel's subsequent Direction³ we stated:

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.
3. The updated traffic modelling/assessment was made available to the parties on the morning of the 6 September 2021. Accordingly, we issue the following Directions which sets out:
 - The dates for the combined reconvened hearing.
 - The process and timeline for expert conferencing⁴, and
 - The evidence exchange dates.
4. The reconvened combined hearings dates for Plan Changes 48, 49 and 50 will be **6 - 15 December 2021**. The hearing venue and times will be advised at a later date, but it is likely that the hearing will be held in the Central Business District, and not Manukau.
5. We have deliberately provided this hearing date range to provide flexibility to ensure we have the time to complete the hearings. These dates, other than the starting date, may be refined closer to the commencement of the hearing.

¹ May include any outstanding matters from the first tranche of hearings – eg stormwater.

² Ms Kurzeja in relation to Plan changes 48 and 50.

³ 9 August 2021.

⁴ Noting we have already issued a direction (1 September 2021) for the initial expert conferencing to be held mid September 2021.

6. We Direct as follows:

Time and Date	Topic
Wednesday, 15 September 2021	Expert Conferencing – Traffic and Planning experts Information/clarification session so everyone has the same understanding of traffic modelling/assessments.
<u>Midday, Thursday 30 September 2021</u> and made available to the parties and on the Council’s website no later than <u>5.00 pm, Thursday 30 September 2021.</u>	Applicants’ expert evidence
<u>Midday, Thursday 14 October 2021</u> and made available to the parties and on the Council’s website no later than <u>5.00 pm, Thursday 14 October 2021.</u>	Submitters expert evidence
<u>Between 20 October – 5 November 2021</u>	Expert conferencing Traffic and Planning experts
<u>Midday, Friday 19 November 2021,</u> and made available to the parties and on the Council’s website no later than <u>5.00 pm, Friday, 19 November 2021</u>	Addendum Section 42A report
<u>Midday, Friday 26 November 2021</u> and made available to the parties and on the Council’s website no later than <u>5.00 pm, Friday, 26 November 2021.</u>	Applicants’ Rebuttal evidence
<u>6 – 15 December 2021</u>	The hearing

7. While these Directions do not apply to lay or non-expert statements/evidence, the Hearing Panel would appreciate any written statements to be presented at the hearing by submitters to be provided to the Council’s Hearings Advisor no later than **midday, Tuesday 30 November 2021.** These will be made available to the parties and on the Council’s website no later than **5.00 pm, Tuesday 30 November 2021.**

8. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than **midday, Tuesday 30 November 2021.** The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.

9. The purpose of these Directions is to provide the opportunity for the Hearing Panel and the other parties to have read and considered: legal submissions; evidence and statements in advance of the hearing. This will assist all parties 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; however, an executive summary may be read or the key points highlighted.
10. 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.*
11. There were differing views on this matter, and we agreed to set out our determination on this matter later, and do so now. We do not consider it necessary for any party, other than the Applicants, to sum up their case. The position of the submitters in relation to the first tranche of the hearings is clear, and those appearing at the reconvened hearings will have the opportunity to present opening submissions. However, we will provide an opportunity for the section 42A author⁵ to provide his overall professional views on the entirety of the three Plan Changes as we (purposely) did not provide this opportunity at the first tranche of the hearings.
12. Any enquiries regarding this Direction, or any 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
6 September 2021

⁵ Mr Mead is the section 42A author for all three Plan Changes.