

IN THE MATTER OF the Resource Management Act 1991 (the RMA)

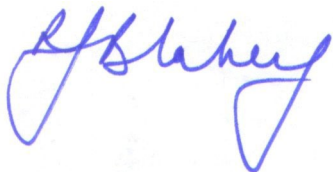
AND

IN THE MATTER OF Nineteen Notices of Requirement (NoRs) and one Resource Consent application for the North-West project by Te Tupu Ngātahi Supporting Growth Alliance, a partnership between Auckland Transport and Waka Kotahi NZ Transport Agency

DIRECTION #3 OF THE HEARING PANEL – LATE SUBMISSIONS

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 – Richard Blakey (Chairperson), Vaughan Smith and Mark Farnsworth. The Hearing Panel's function is to hear the applications and submissions and make recommendations to the Requiring Authority on its 19 NoRs and hear the application and submissions and make a decision on one Resource Consent application. It is also to deal with any procedural matters.
2. A summary of the 19 NoRs and Resource Consent application were included in the Hearing Panel's Direction #1 dated 29 June 2023.
3. The NoRs and Resource Consent have been the subject of notification, and submissions for the NoRs have been received. Submissions for the Resource Consent application closed on 19 July 2023. The hearing is scheduled to commence on 18 September 2023.
4. Since the close of submissions on the NoRs, a number of submissions have been received within 20 working days of the close date and have been accepted by the Council under section 37(4) of the RMA.
5. Two additional submissions were received 20 working days or more after the submission period closed on 11 April 2023:
 - (a) The first late submission was received from Ross Thomas on 30 May 2023 and was lodged in respect of NoR W5; and
 - (b) The second late submission was received from Yvonne and Gayo Vodanovich on 22 June 2023 and was lodged in respect of NoR W1. The submission was later amended to include an additional address.

6. The Council has requested the Hearing Panel to either accept or reject these two late submissions. By way of a memorandum dated 26 July 2023 (amended version received 9 August 2023), the Council has recommended that both late submissions be accepted and noted that a preliminary response to the submissions has already been included in the relevant section 42A reports. The Requiring Authority has indicated that it adopts a neutral position and does not oppose the Council's recommendation to accept the submissions.
7. The Hearing Panel has considered the request to waive the timeframes and accept or reject these late submissions and has determined that:
 - (a) No persons' interests will be adversely affected by the waiver as it does not result in any time delay or additional steps in the notices of requirement;
 - (b) The interests of the community in achieving adequate assessment of the effects of the notices of requirement will be achieved as the submitters raise valid concerns arising from the notices of requirement; and
 - (c) Accepting the submissions will not interfere with the Council's duty to avoid unreasonable delay, and the Hearing Panel is advised that the Requiring Authority does not oppose their inclusion.
8. The Hearing Panel therefore directs, under section 37A of the RMA, the following:
 - (a) That the late submission from Ross Thomas that was lodged in respect of NoR W5 be accepted as a late submission in accordance with section 37A(b)(2); and
 - (b) That the submission from Yvonne and Gayo Vodanovich that was lodged in respect of NoR W1 be accepted as a late submission in accordance with section 37A(b)(2).
9. This Direction is to be circulated to all the parties to the hearing by the Hearings Advisor, Mr Patrice Baillargeon.
10. Any correspondence relating to this Direction and related matters should be sent to the Hearings Advisor, Mr Baillargeon via patrice.baillargeon@aucklandcouncil.govt.nz



Richard Blakey (Chairperson)
for the Hearing Panel

9 August 2023