

**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

### **MINUTE 1 OF THE HEARING PANEL**

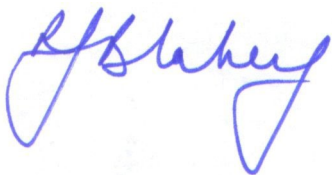
1. Pursuant to sections 34 and 34A of the RMA, Auckland Council (the Council) has appointed a Hearing Panel consisting of three independent hearing commissioners – Richard Blakey (Chairperson), Vaughan Smith and Mark Farnsworth. The Hearing Panel's function is to hear the applications and submissions 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 and the hearing commenced on 18 September 2023.
4. Through the Hearings Advisor, the Council officers attending the hearing have sought advice from the Panel on two matters:
  - (a) Which officers they wish to hear from in terms of the Council's response to the Resource Consent application and the evidence of Auckland Transport and submitters; and
  - (b) What topics they require the officers to respond to in respect of the NoRs.
5. As indicated in the hearing on 3 October 2023, the Panel confirms that it will only require the reporting planner (Alex Hall) and the Stormwater Specialist (Christine Oakey or, in her absence, Trent Sunich) to provide a response on the evidence presented in respect of the Resource Consent.
6. The Panel has given some consideration to the matters that it seeks comment from in terms of the NoRs. It wishes to highlight that this is not an exclusive list, nor cast in any particular order of importance, and represents the Panel's initial thoughts prior to its full

review of the matters raised during the hearing and that Council officers (including its specialist advisors/expert witnesses) may have heard other issues that they wish to respond to. The Panel also emphasises that the list below does not include any property-specific issues, but that the Council officers should respond to such issues if there are particular points they wish to respond to in that regard in terms of their particular areas of expertise.

7. The list of identified matters is as follows:

- (a) Review and comment as to the content and interrelationships between management plans and overall approach generally;
- (b) Approach to communications:
  - SCEMP criteria at Condition 11 – timeliness and workability;
  - Possible recommendations with respect to the timing of consultation proposed within the various management plan conditions (e.g., ability to undertake this in a comprehensive manner that then informs the relevant management plan outcomes, rather than separately for each management plan).
- (c) The extent to which the conditions address construction effects on business viability;
- (d) Criteria associated with the lapse periods including any review provisions (Condition 3A);
- (e) The potential for the sequencing of the designations and the requirement for implementation of the ASH (NoR-S1) prior to NoR-S2 (i.e., the issue of whether reliance on a CTMP as part of NoR-S2 is sufficient);
- (f) Any comments (including of a legal nature) with respect to the status of the existing designations:
  - Do the proposed NoR(s) represent an alteration or new designation(s), and the ability to apply a lapse date to them?
  - What is the status of property affected by a proposed NoR in a location where there is an adjacent applying designation and it does not cover the property?
- (g) The effect of the proposed *Advice Note* with respect to the Urban and Landscape Design Management Plan;
- (h) An update to the Future Development Strategy (it is understood that the Council's response to submissions on this document will be issued this week);

- (i) Implications of structure planning for Future Urban Zone land for the NoRs (and whether the NPS-HPL may become relevant where it has not previously);
  - (j) Implications of recent flood events – have the implications been adequately addressed with respect to NoR-S2;
  - (k) Comment on the flood hazard definitions with respect to habitable rooms, and the proposed flood hazard standards and outcomes under Condition 10;
  - (l) Comments with respect to noise/vibration and the concept of shared responsibility and considerations related to potential screening/barriers;
  - (m) How the noise contour maps might best achieve visibility for landowners/future land developers and whether the contour maps should be reviewed prior to the implementation of the designations;
  - (n) Comments regarding the applicability of the Council’s Tree Asset Owner Approval process for trees within road reserves;
  - (o) Any comments with respect to adequacy of the Cultural Advisory Report(s);
  - (p) Whether the inclusion of land for bat habitat in the NoRs is reasonably necessary to achieve the outcomes sought or mitigate effect; and
  - (q) Whether there are any methods by which greater certainty can be achieved with respect to flush or solid medians and implications for site access.
8. Any correspondence relating to this Minute and related matters should be sent to the Hearings Advisor, Mr Baillargeon via [patrice.baillargeon@aucklandcouncil.govt.nz](mailto:patrice.baillargeon@aucklandcouncil.govt.nz)



Richard Blakey (Chairperson)  
for the Hearing Panel

4 October 2023