

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

AND

IN THE MATTER OF Eight Notices of Requirement (NoRs) for the Warkworth Projects by Te Tupu Ngātahi Supporting Growth Alliance (SGA), a partnership between Auckland Transport (AT) and Waka Kotahi NZ Transport Agency (Waka Kotahi)

DIRECTION #2 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 eight NoRs (**Warkworth Projects**). It is also to deal with any procedural matters.
2. A summary of the eight NoRs were included in the Hearing Panel’s Direction #1 dated 9 August 2023.
3. The Panel acknowledges receipt of the section 42A addendum report dated 6 November 2023, and in particular the additional analysis relating to geotechnical matters. We understand that as a result of further discussion between the Council and the Requiring Authority’s witnesses that additional information and cross-section(s) are being prepared in response to geotechnical queries, particularly in respect of 95 Sandspit Road.¹
4. In view of this additional work being undertaken, and in the interests of providing for an efficient hearing process, the Panel considers that it would be assisted by additional similar work being undertaken in relation to NoR 4 (Matakana Road Upgrade).
5. This direction arises as a result of the Panel’s site visit, where we observed the steep nature of land along both sides of the southern part of Matakana Road. We noted that the land rises steeply to the east (as referred to by Mr Mason²), but that it also appears to fall steeply in parts to the west, immediately adjacent to existing residential sites/land. The Panel also notes that the Requiring Authority has amended (narrowed) the designation in relation to the vacant land at 49 Matakana Road,³ in an area shown on the General Arrangement Layout Plan as an area that will be subject to a fill batter (of unknown

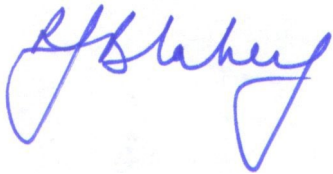
¹ Section 42A Addendum, at [2.4]

² Mason, Primary Evidence, at [9.21]

³ Ibid, at [9.21] and Titter, Primary Evidence, at [21.18]

gradient, but presumably subject to the limits prescribed for different types of land in the evidence of Mr Paterson⁴).

5. The Panel therefore directs that, in addition to the work being undertaken by the Requiring Authority in respect of geotechnical matters described in the section 42A addendum, additional cross-sections are requested to be provided in respect of NoR 4 in the vicinity of:
 - (a) The fill batter adjacent to 49 Matakana Road; and
 - (b) Sites at or proximate to 41 and 57 Northwood Close.
6. In terms of 5(b) above, an extension of this cross-section(s) eastwards to 98 Matakana Road would also assist the Panel in its understanding of the access issues for this property addressed in the evidence of Mr Mason.⁵
7. This information will assist the Panel with the questions it may have for the construction and/or geotechnical witnesses at the hearing. Accordingly, it is requested that this information be available at the start of the hearing if possible, or prior to the end of the Requiring Authority's case at the latest.
8. This Direction is to be circulated to all the parties to the hearing by the Hearings Advisor, Mr Patrice Baillargeon.
9. Any correspondence relating to this Direction and related matters should be sent to Mr Baillargeon via patrice.baillargeon@aucklandcouncil.govt.nz.



Richard Blakey (Chairperson)
for the Hearing Panel

7 November 2023

⁴ Paterson, Primary Evidence, at [8.2]

⁵ Mason, Rebuttal, at [8.3]