

<b>IN THE MATTER OF</b>	the Resource Management Act 1991 (the 'RMA')
<b>AND</b>	
<b>IN THE MATTER OF</b>	Two Notices of Requirement (NoR) for the Takaanini Level Crossing project and four Notices of Requirement for the South Frequent Transit Network project by Te Tupu Ngātahi – Supporting Growth Alliance (Te Tupu Ngātahi)

### **DIRECTION #1 OF THE HEARING PANEL – EVIDENCE TIMETABLE AND EXPERT CONFERENCING**

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 – Dave Serjeant (Chair), Nigel Mark-Brown and Basil Morrison. The Hearing Panel's function is to hear the applications and submissions and make recommendations to the Requiring Authority on the six Notices of Requirement (NoR). It is also to deal with any procedural matters.
  
2. The Takaanini Level Crossings project involves two new notices of requirement for designations given by Auckland Transport for the construction, operation, maintenance and upgrade of the following grade-separated crossings of the North Island Main Trunk (NIMT) railway in Takaanini. The existing NIMT level crossings at Spartan Road, Manuroa Road, Taka Street and Walters Road will be closed and replaced by these crossings once constructed and operational.

The South Frequent Transit Network (South FTN) project comprises of a range of proposed road upgrades along existing arterial road corridors in South Auckland including bus priority measures, new and upgraded active mode facilities (i.e. walking and cycling facilities), and intersection improvements. The South FTN network will include two FTN routes – the Great South Road FTN between Manukau and Drury; and the Takaanini FTN between Manurewa, Takaanini, and Papakura. The network also includes upgrades to adjoining key connections at Popes Road in Takaanini; and Great South Road in Drury.

The six NoR's are:

#### **Takaanini Level Crossing**

**NoR 1: Drury West Arterial:** Spartan Road, Manuia Road, Manuroa Road and Taka Street (NoR 1) Auckland Transport. Notice of requirement lodged by Auckland Transport for new multi-modal bridge crossings of the North Island Main Trunk (NIMT) at Manuia

Road and Taka Street; and new active mode bridge crossings of the NIMT at Spartan Road and Manuroa Road with two consequential road closures.

**NoR 2: Walters Road level crossing closure and new multi-modal bridge.** Notice of requirement lodged by Auckland Transport for a new multi-modal bridge crossing of the North Island Main Trunk (NIMT) railway at Walters Road.

### **South Frequent Transit Network (FTN)**

**NoR 1: Great South Road FTN Upgrade.** Notice of requirement lodged by Auckland Transport for upgrades to parts of Great South Road between Manukau and Drury to provide a multi-modal transport corridor that will accommodate bus priority measures, active mode facilities (i.e. walking and cycling facilities), intersection upgrades, replacement of the existing Otūwairoa / Slippery Creek bridge, and stormwater management

**NoR 2: Great South Road Upgrade (Drury section).** Notice of requirement lodged by Auckland Transport for upgrades to Great South Road between Waihoehoe Road and the State Highway 1 Drury Interchange to provide a multi-modal transport corridor that will accommodate general traffic lanes, active mode facilities (i.e. walking and cycling facilities) intersection upgrades, replacement of the existing Hingaia Stream bridge, and stormwater management.

**NoR 3: Takaanini FTN – Weymouth, Alfriston, and Great South Road Upgrades.** Notice of requirement lodged by Auckland Transport for Upgrades to Weymouth and Alfriston Roads between Selwyn Road / Rogers Road and Saralee Drive; and Great South Road between Halver Road and Myers Road to accommodate bus priority measures, general traffic lanes, active mode facilities (i.e. walking and cycling facilities), intersection upgrades, proposed closure of the Beaumonts Way intersection with Weymouth Road, replacement of existing bridges along Weymouth Road over the North Island Main Trunk and Alfriston Road over State Highway 1, and stormwater management.

**NoR 4: Takaanini FTN – Porchester and Popes Road Upgrades.** Notice of requirement lodged by Auckland Transport for upgrades to Porchester Road between Alfriston Road and Walters Road; and to Popes Road between Takanini School Road and Porchester Road to accommodate general traffic lanes, active mode facilities (i.e. walking and cycling facilities), and intersection upgrades.

3. The NoRs have been the subject of notification and submissions have been received. The hearing is scheduled to commence on **Monday 27 May 2024**.
4. The reason for this Direction is to establish dates for the provision of reports and/or expert evidence on the six NoRs so that the proceedings can be conducted in an efficient and effective manner and to establish expert conferencing (if required).

5. The Hearing Panel has received a memorandum from the Requiring Authority (see attached) outlining a proposed timetable that includes expert conferencing, if required.
6. The Hearing Panel directs, under sections 41B and 41C of the RMA, the following:
  - (a) The Councils officer's section 42A RMA reports are to be provided to the Hearings Advisor no later than **9am, Wednesday 13 March 2024** and published on Council's website by **5pm on Friday 15 March 2024**.
  - (b) Te Tupu Ngātahi, the Requiring Authority, is to provide their evidence to the Hearings Advisor by **midday, Tuesday 2 April 2024** for circulation to the Hearing Panel, the submitters and the Councils officers. The evidence is to be placed on Council's website by 5pm that same day.
  - (c) Submitters are to confirm to the Hearings Advisor and Te Tupu Ngātahi whether they are calling expert evidence and if so, who their expert is and on what topic by **Tuesday 9 April 2024**. This is to assist in determining if expert conferencing is required.
  - (d) Submitters are to provide expert evidence to the Hearings Advisor by **midday, Tuesday 16 April 2024** for circulation to the Hearing Panel, the Requiring Authority and the Councils officers. The evidence is to be placed on Council's website by 5pm that same day.
  - (e) Te Tupu Ngātahi, the Requiring Authority, is to provide its rebuttal evidence to the Hearings Advisor by **midday, Wednesday 1 May 2024** for circulation to the Hearing Panel, the submitters and the Councils officers. The evidence is to be placed on Council's website by 5pm that same day.
  - (f) Submitters are requested to provide lay or non-expert statements/evidence to the Hearings Advisor by **midday, Wednesday 1 May 2024** for circulation to Hearing Panel, the Requiring Authority and the Councils officers. The evidence is to be placed on Council's website by 5pm that same day.
  - (g) If, following the receipt of expert evidence there are matters still in disagreement between experts, expert conferencing can be carried out. If required, this will take place between **Monday 6 and Friday 10 May 2024**. Further details on expert conferencing are below.
  - (h) Te Tupu Ngātahi, the Requiring Authority, is requested to provide its legal submissions to the Hearings Advisor by **midday, Wednesday, 22 May 2024** for circulation to the Hearing Panel, the submitters and the Councils officers. The submissions are to be placed on Council's website by 5pm that same day.

### Expert conferencing (if required)

7. Clause 8AA (Resolution of Disputes) of the First Schedule of the RMA enables a process to resolve disputes between parties. Accordingly, in terms of these NoRs the Hearing Panel agrees that expert conferencing may be useful. The Hearing Panel directs that any conferencing that is undertaken is to be in accordance with the Environment Court Practice Note 2023. Those experts participating in the conferencing are to make themselves available to appear at the hearing in person if required to do so by the Hearing Panel.
8. The purpose of the conferencing is for the parties' experts to identify, discuss and potentially resolve (or not) the issues in contention between them. This may enable all parties to focus on those matters that remain in contention. It is anticipated that expert conferencing is likely to be relatively confined, only be necessary for topics where there is disagreement between experts following the exchange of expert evidence, and there is a likelihood expert conferencing will potentially narrow or resolve issues.
9. If expert conferencing is required, submitters are to confirm who their experts are, their contact details and suggest topics to be the subject of expert conferencing by **Tuesday 9 April 2024** as per paragraph 6(c) above.
10. The Hearing Panel will appoint an independent facilitator. The facilitator is authorised to:
  - Act as independent facilitator;
  - In conjunction with the Council's Hearings Advisor, invite the Requiring Authority, all submitters and the Councils as regulators (in its s42A reporting function) to advise whether their expert witnesses in the relevant fields will attend the conferencing sessions;
  - Liaise with the Requiring Authority, submitters, Councils as regulator and experts who register an interest in attending the conferencing;
  - In conjunction with the Council's Hearings Advisor and Requiring Authority, organise the sessions (including format, topics, agendas, attendance and Joint Witness Statement (JWS)/reports), times and venues – in person or on-line as appropriate; and
  - Report to the Chair of the Hearing Panel on an as required basis on progress with the conferencing sessions and progress on any JWS setting out the outcomes, including matters agreed and not agreed.
11. These sessions may be attended by experts from a mix of disciplines as considered appropriate. For example, planning experts may be invited to attend Transportation sessions and vice versa.
12. The expert conferencing will take place between **Monday 6 and Friday 10 May 2024**. Further dates may be added at the facilitator's discretion. In accordance with this Direction, the detailed scheduling of sessions is delegated to the facilitator in conjunction with the Requiring Authority.

13. For each session, a JWS should be prepared identifying areas of agreement and disagreement, with the reasons for each witness's position recorded succinctly. All JWSs are to be provided to the Hearings Advisor as soon as possible.
14. While these directions cannot compel all parties to agree to take part in the expert conferencing sessions or compel expert witnesses to attend and participate, we strongly recommend that they do so. The sessions will provide a degree of formality for those parties and witnesses who attend in an effort to clarify and narrow the issues in contention. This should ensure that the hearing is more efficient than if expert conferencing sessions were not held.
15. This Direction is to be circulated to all the parties to the hearing by the Hearings Advisor, Mr Donovan.
16. The Hearing Panel encourages the requiring authority to engage with submitters and with the Councils to address issues of contention
17. Any correspondence relating to this Direction and related matters should be sent to the Hearings Advisor, Mr Donovan via [bevan.donovan@aucklandcouncil.govt.nz](mailto:bevan.donovan@aucklandcouncil.govt.nz).

A handwritten signature in blue ink, appearing to read 'D Serjeant'.

Dave Serjeant (Chair)  
for the Hearing Panel

9 February 2024