

**IN THE MATTER** of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of **Notice of Requirement**– 56 Middlefield Drive, Flatbush for an alteration to a designation for a primary school and early childhood education centre to alter the purpose and conditions of the designation (relating to roll cap and transport/traffic matters)

**HEARING DIRECTIONS FROM THE HEARING PANEL**

1. Pursuant to sections 34 and 34A of the RMA, Auckland Council (the Council) has appointed a Hearing Panel consisting of two independent hearing commissioners – Janine Bell and Trevor Mackie. The Hearing Panel’s function is to hear the application and submissions and make a Recommendation on the Notice of Requirement. It is also to deal with any procedural matters.
2. The hearing has been set down for Tuesday 2 August 2022. This is to enable the Applicant to present its case and for the submitters to present their submissions to the Hearing Panel.
3. In terms of procedural matters, section 41B of the RMA provides that the Council may direct that evidence from any expert be provided to the parties before the hearing. Section 42A of the RMA provides that the Council may prepare a report on the matters to be considered and be provided prior to the hearing. The Hearing Panel is aware that a section 42A report is being prepared by the Council.
4. The Chairperson has considered whether any directions are appropriate under either or both of sections 41B and 42A.
5. Accordingly, the Hearing Panel directs as follows:
  - (a) Pursuant to section 42A of the RMA, the section 42A hearing report shall be provided to the Council’s Hearing Advisor no later than 9.00am, **Wednesday 6 July 2022.**
  - (b) The section 42A hearing report will be on the Council’s website no later than 5.00pm **Friday 8 July 2022.**
  - (c) Pursuant to sections 41B(1) and (2) of the RMA, the Applicant’s expert evidence (evidence given by a professional with specialist qualifications and experience) is to be provided to the Council’s Hearing Advisor no later than 12.00 midday, **Monday 18 July 2022.**
  - (d) The applicant’s expert evidence will be on the Council’s website no later than 5.00pm **Monday 18 July 2022.**

- (e) Pursuant to sections 41B(3) and (4) of the RMA, any person who intends to call expert evidence at the hearing (evidence given by a professional with specialist qualifications and experience) is to provide that evidence to the Council's Hearing Advisor no later than no later than 12.00 midday, **Monday 25 July 2022.**
- (f) The submitter's expert evidence will be on the Council's website no later than 5.00pm **Monday 25 July 2022.**
6. 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 Hearing Advisor no later than 5.00 pm, **Friday 29 July 2022.**
7. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than the 5.00 pm, **Friday 29 July 2022.** The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
8. The purpose of these Directions is to provide the opportunity for the Hearing Panel and the other parties to have read and considered any legal submissions, evidence or statements in advance of the hearing to assist 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. An executive summary maybe read out or the key points highlighted.

Any enquiries regarding these Directions or related matters should be directed to the Council's Hearing Advisor, by email at [laura.ager@aucklandcouncil.govt.nz](mailto:laura.ager@aucklandcouncil.govt.nz)



**Janine Bell (Chairperson)**  
**5 July 2022**