

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

AND

IN THE MATTER of **Private Plan Change 48** – Kiwi Property No. 2 - land generally bounded by Great South Road, Waihoehoe Road, Fitzgerald Road and the Hingaia Stream (Drury East) to the Auckland Unitary Plan – Operative in Part.

SECOND DIRECTION OF THE HEARING PANEL

EXPERT CONFERENCING

1. Pursuant to section 34 and 34A of the RMA, Auckland Council (the Council) has appointed a Hearing Panel consisting of independent hearing commissioners - Greg Hill (Chairperson), Mark Farnsworth and Karyn Kurzeja. Other commissioners may be appointed where a particular area of expertise is required. The Hearing Panel has been delegated the authority to hear the application and submissions and make a decision on the Plan Change proposal.
2. Plan Change 48 seeks, in summary to:
 - Rezone 95 hectares of land in the area generally bounded by Great South Road, Waihoehoe Road, Fitzgerald Road and the Hingaia Stream, from Future Urban to approximately 35 hectares of Business: Metropolitan Centre zone, approximately 51.5 ha of Business: Mixed Use zonesurrounding the Metropolitan Centre and approximately 8.5ha of Open Space:Informal Recreation zone adjoining the Hingaia Stream.
3. Clause 8AA – Resolution of Disputes of the First Schedule of the RMA enables a process to resolve disputes between parties. Accordingly, in terms of this Plan Change the Hearing Panel directs expert conferencing.
4. The purpose of the conferencing is for the parties’ experts to identity, discuss and potentially resolve (or not) the issues in contention between them. This may enable all parties to reduce the scope and length of the section 42A report and expert evidence; and to focus on those matters that remain in contention.
5. At this stage the Hearing Panel directs there be expert conferencing on three separate topics – being:
 - Stormwater;
 - Traffic and transportation - including in particular the thresholds proposed in PC48; and
 - Planning.
6. The sessions on stormwater issues are to be attended by stormwater experts and planners, to the extent that the planners have an interest in the PC48 provisions addressing stormwater

matters. Those experts include those of the applicant, Council as regulator (providing technical input to the section 42A report) and all submitters. The principal section 42A report author may attend these sessions.

7. The sessions on traffic and transportation matters are to be attended by traffic and transportation experts and planners, to the extent that the planners have an interest in the PC48 provisions addressing these matters. Those experts include those of the applicant, Council as regulator (providing technical input to the section 42A report) and all submitters. The principal section 42A report author may attend these sessions.
8. The sessions on planning matters are to be attended by the planning experts to address the planning provisions in PC48. Those experts include those of the applicant, Council as regulator (we understand the principal section 42A report author is a planner) and all submitters.
9. The conferencing sessions shall occur prior to exchange of the section 42A report and all evidence. Under the Direction - Hearing Dates and Evidence Exchange (31 March 2021) the section 42A report is to be available to all parties on the 17 June 2021. Therefore the conferencing sessions ought to be completed by the end of May 2021. It may also be that conferencing, or other alternative dispute resolution processes, may occur at later stage.
10. The Hearing Panel directs that conferencing is undertaken in accordance with the Environment Court Practice Note 2014 and in particular - Appendix 3 - Protocol for Expert Witness Conferences. This includes section 3 of that Appendix - The Role of Counsel in expert conferencing. Also, 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.
11. That Ms Marlene Oliver is to be appointed as the independent facilitator. She is authorised to:
 - Act as independent facilitator;
 - In conjunction with the Council (as regulator) invite the applicant, all submitters and the Council as regulator (in its section 42A reporting function) to advise whether their expert witnesses in the relevant fields will attend the conferencing sessions;
 - Liaise with the applicant, submitters, Council as regulator (in its section 42A reporting function) and experts who register an interest in attending the conferencing;
 - In conjunction with the Council (as regulator) organise the sessions, times of and venues for conferencing; and
 - Report to the Chair of the Hearing Panel on an as required basis on progress with the conferencing sessions and progress on a Joint Witness Statement(s) setting out the matters agreed and not agreed.
12. That, accordingly, all parties are to inform the Council's Hearing Manager, Ms Julie McKee by email (address below) of the expert witnesses (name, expertise and contact details) who will attend the conferencing sessions. This is to be provided to Ms McKee no later than **4.00 pm Friday 23 April 2021**.
13. While these directions cannot compel all of the parties to agree to take part in the conferencing sessions or compel expert witnesses to attend and participate, we strongly recommend that they

do so. These 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 the conferencing sessions were not held.

Any enquiries regarding these Directions or related matters should be directed to the Council's Hearing Manager, Ms Julie McKee by email at Julie.McKee@aucklandcouncil.govt.nz.

A handwritten signature in black ink, appearing to read "Greg Hill", followed by a period.

Greg Hill - Chairperson

19 April 2021