

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

AND

IN THE MATTER of **Private Plan Change 51** – Karaka and Drury Limited (KDL) to the Auckland Unitary Plan – Operative in Part.

DIRECTION OF THE HEARING PANEL

EXPERT CONFERENCING (AND POSSIBLE FACILITATED MEETINGS) AND PROCEDURAL MATTERS.

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. The Hearing Panel has been delegated the authority to hear the plan change request and submissions, and make a decision on the plan change proposal.
2. The Hearing Panel has received the Memorandum of counsel on behalf of Karaka and Drury Limited in relation to expert conferencing and procedural matters – dated 10 June 2021.
3. That Memorandum asks - *KDL therefore respectfully requests that the Panel issue directions that::*
 - 5.1 (a) *The timetable for hearing of PC51 will not be amended to accommodate any delays in progressing the Drury East plan changes or the unavailability of the Submitters' experts;*
 - 5.1 (b) *The section 42A report is to address any proposed modifications to PC51 since notification; and*
 - 5.1 (c) *The author of the section 42A report can meet with representatives of KDL and/or other submitters on PC51, as necessary to ensure their report is of as much assistance to the Panel as possible.*
- 5.2 *The Panel may also consider it appropriate to air these issues at a pre-hearing conference called for that purpose. KDL would be supportive of such a conference as an efficient means of addressing these issues.*
4. We respond to each of those matters below.

5.1 (a) –

We are unaware of any delays in progressing the Drury East plan changes or the unavailability of the Submitters' experts. No delay is proposed to hear plan change 51 as has already been scheduled (our Directions dated 31 March 2021);

5.1 (b) and (c) –

It is the Hearing Panel's view that to ensure an efficient hearings process, discussions between the parties (Applicant, Submitters and Council) to address issues arising from submissions, and within scope of the Plan Change, is appropriate and is encouraged. We also encourage the section 42A author to address any proposed modification to the plan change since notification in light of any discussions between the parties.

Any recommended changes to the Plan Change arising from discussions between the parties will need to be presented to the Hearing Panel for its consideration and determination. It is the Hearing Panel who will determine if any recommended changes are appropriate.

5.2 - pre-hearing conference

We do not see the need, at this stage, for a pre-hearing conference. We reiterate our Direction regarding expert conferencing (and possible facilitated meetings), dated 8 June 2021, paragraph 9 - where we have authorised Ms Oliver 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 any facilitated meeting(s);
- In conjunction with the Council (as regulator) organise the sessions, times of and venues for conferencing; and determine which expert witnesses (relevant fields) can attend the conferencing sessions; 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.

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.



Greg Hill - Chairperson

11 June 2021