

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

AND

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

DIRECTION #3 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), Mark Farnsworth and Vaughan Smith. The Hearing Panel's function is to hear the applications and submissions and make recommendations to the Requiring Authorities on the 13 Notices of Requirement (NoRs). It is also to deal with any procedural matters.
2. A summary of the 13 NoRs were included in the Hearing Panel's Direction #1 dated 20 February 2024.
3. The NoRs have been the subject of notification and submissions have been received. Submissions closed on 14 December 2023. The hearing is scheduled to commence on **Monday 17 June 2024**.
4. Since the close of submissions on the NoRs and receipt of the Council's section 42A report and hearing agenda, counsel for the Requiring Authorities has submitted a memorandum (22 April 2024 and attached) outlining a proposed amendment (expansion) by Waka Kotahi to the designation boundaries in respect of NoR 4 (SH 1 improvements). The memorandum notes that while the NoR was publicly notified, there are five property owners adjacent to the expanded designation who were not directly served in respect of NoR 4. It therefore proposes the following process for progressing this possible expansion of NoR 4:¹

“(a) All five property owners are urgently informed of the proposed expansion to the NoR 4 boundary and provided with an opportunity to lodge a late submission, and late evidence should they wish.

“(b) As the Council's Section 42A report has already been issued, NZTA also proposes that the Council's Reporting Team be given an opportunity to file an addendum to their Section 42A report to address this matter.”

¹ Memorandum of counsel, 22 April 2024, at [8]

5. The memorandum also advises that the Council's Reporting Planner is comfortable with this approach. The Requiring Authority therefore seeks confirmation from the Panel that it agrees with its proposed approach (and that its preference would be to retain the existing NoR boundary should there be a risk to the hearing dates being pushed out).
6. The Panel has considered the request from the Requiring Authority and agrees with the proposed approach, and directs as follows:
 - (a) That the five property owners (at 32 Worsnop Way, 357 Bawden Road, 359 Bawden Road, 1629 East Coast Road and 1627 East Coast Road) are informed by way of direct service regarding the change to the proposed boundaries for NoR 4, and be provided with 20 working days in which to make a submission. This period would be expected to end on or about 24 May 2024, assuming a service date on or about 26 April 2024.
 - (b) That if submissions are received in response to the direction at (a), the Council provide an addendum to the section 42A report to address the relief sought in those submissions on or about 4 June 2024 (i.e., six working days following the close of the additional submission period).
7. This Direction is to be circulated to the parties to the hearing by the Hearings Advisor, Chayla Walker.
8. Any correspondence relating to this Direction and related matters should be sent to the Hearings Advisor, Ms Walker via chayla.walker@aucklandcouncil.govt.nz.



Richard Blakey (Chair)
for the Hearing Panel

23 April 2024

**BEFORE AN INDEPENDENT HEARINGS PANEL
OF THE AUCKLAND COUNCIL**

I MUA NGĀ KAIKŌMIHANA MOTUHAKE O TĀMAKI MAKĀURAU

UNDER the Resource Management Act 1991 (the **RMA**)

AND

IN THE MATTER OF Notices of requirement for designations, notices of requirement for alterations to existing designations, by **NZ TRANSPORT AGENCY WAKA KOTAHI** and **AUCKLAND TRANSPORT**, collectively known as the **North Projects**

**MEMORANDUM OF COUNSEL ON BEHALF OF
NZ TRANSPORT AGENCY WAKA KOTAHI**

NOTICE OF REQUIREMENT 4 (SH1 IMPROVEMENTS)

Dated: 22 April 2024

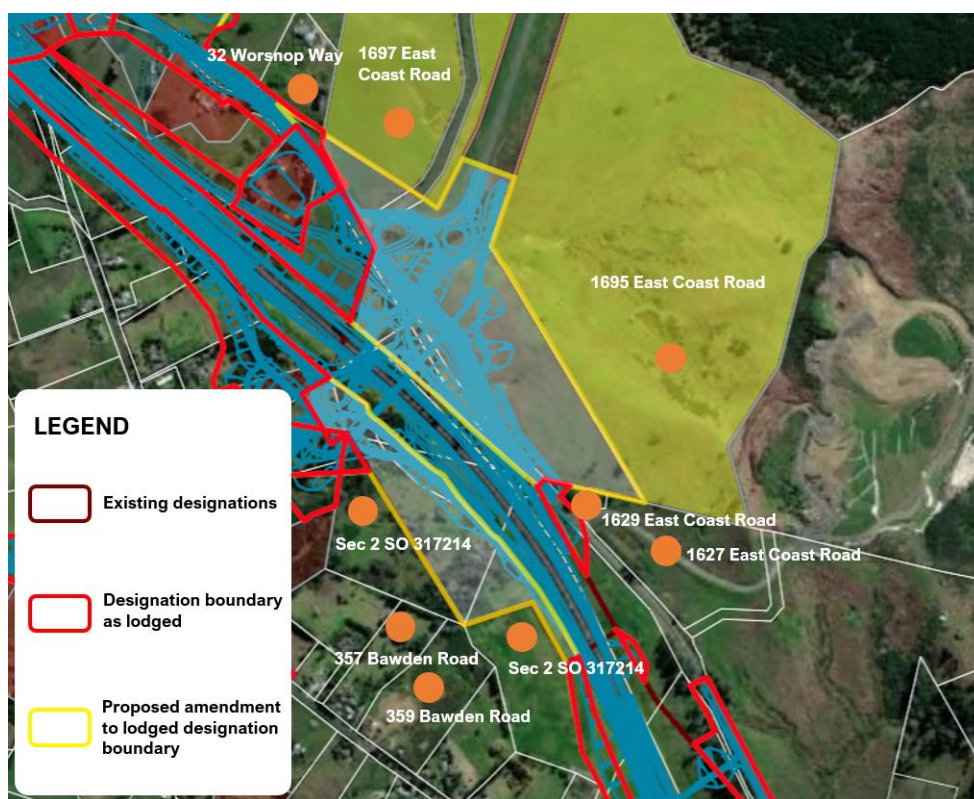


Te Tupu Ngātahi Supporting Growth
Auckland

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MAY IT PLEASE THE PANEL

1. This memorandum is filed on behalf of NZTA in relation to NoR 4 lodged as part of the North Projects.
2. The purpose of this memorandum is to seek the Panel's confirmation as to the process for expanding the boundary of NoR 4 (SH1 improvements) in one location near Penlink Interchange.
3. Weiti Green Limited has sought in its submission (attached as **Appendix A**) that the extent of NoR 4 (which includes an expansion to existing SH1 designation 6760) be increased to cover all land that is within the existing designation for the Penlink Interchange (6777) and shown on the General Arrangement Plans as subject to works for the SH1 Improvements Project (NoR 4).
4. Some of the work required for the SH1 Improvements project is located within the existing designation for Penlink but is not within the designation boundaries for NoR 4 as lodged.
5. NZTA has closely considered this matter and based on current information, is minded to agree with the submitter that the expansion of the NoR 4 boundary is warranted. The effects of the part of the project within this area were considered as part of the AEE and technical reports, except for noise effects resulting from the expanded boundary. Ms Drewery considers there are no material adverse effects from the boundary change and this will be addressed in her primary evidence. The proposed expansion is shown in the image below, where the red line shows the NoR 4 boundary as lodged, and the yellow line shows the boundary as proposed to be expanded.
6. It is important to note that the area subject to the expansion is owned by the Crown and already subject to existing designation 6777 for O Mahurangi Penlink. The adjacent shaded yellow areas shown in the below image reflect the properties that are owned by Weiti Green Limited.



7. However, there are five adjacent properties that are not owned by either the Crown or Weiti Green Limited, four of which are owned by people that were not served a copy of proposed NoR 4 by Auckland Council under section 149C of the RMA.

Address	Owners	Service and submission status
32 Worsnop Way	Denys Henry Coote, Diane Coote	Were not served in relation to NoR 4. The landowners were served in relation to NoR 13 but did not submit.
1627 East Coast Road	Apec Equity Limited	Served in respect of NoR 4 and did not submit.
1695 East Coast Road	Weiti Green Limited	Served in respect of NoR 4 and submitted.
1697 East Coast Road	Weiti Green Limited	Served in respect of NoR 4 and submitted.
359 Bawden Road	Rongying Liu	Were not served.
357 Bawden Road	Haojian Zhong	Were not served.
1629 East Coast Road	Watercare	Were not served . Although it was served in relation to other NoRs and has lodged a submission.

Address	Owners	Service and submission status
Sec 2 SO 317214, Bawden Road	Crown	N/A
Sec 2 SO 317214, Bawden Road	Crown	N/A

8. As all of the NoRs for the North Network were publicly notified all five property owners have had an opportunity to participate in the NoR hearing process. However, those property owners may not have been aware of the scope of all the works for the SH1 Improvements Project given the extent of the notified boundaries for NoR 4. To ensure there is no potential prejudice to those property owners from a potential expansion of the NoR 4 boundaries as sought by Weiti Green Limited, NZTA proposes the following process for progressing this potential expansion:
- (a) All five property owners are urgently informed of the proposed expansion to the NoR 4 boundary and provided with an opportunity to lodge a late submission, and late evidence should they wish.
 - (b) As the Council's Section 42A report has already been issued, NZTA also proposes that the Council's Reporting Team be given an opportunity to file an addendum to their Section 42A report to address this matter.
9. NZTA considers that there is sufficient time prior to the hearing commencing for this process to occur.
10. We have spoken to Auckland Council including the Council Reporting Planner who confirms that he is comfortable with this approach.

11. NZTA respectfully requests confirmation from the Panel that it agrees with its proposed approach, noting that its preference would be to retain the existing NoR boundary should there be a risk to the hearing dates being pushed out.



22 April 2024

N J Garvan / M G Gribben / M Exton

Counsel for NZTA