

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

AND

IN THE MATTER OF Nineteen Notices of Requirement (NoRs) and one Resource Consent application for the North-West project by Te Tupu Ngātahi Supporting Growth Alliance, a partnership between Auckland Transport and Waka Kotahi NZ Transport Agency

DIRECTION #6 OF THE HEARING PANEL – ADDITIONAL LATE SUBMISSIONS

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), Vaughan Smith and Mark Farnsworth. The Hearing Panel's function is to hear the applications and submissions and make recommendations to the Requiring Authority on its 19 NoRs and hear the application and submissions and make a decision on one Resource Consent application. It is also to deal with any procedural matters.
2. A summary of the 19 NoRs and Resource Consent application were included in the Hearing Panel's Direction #1 dated 29 June 2023.
3. The NoRs and Resource Consent have been the subject of notification, and submissions for the NoRs have been received. Submissions for the Resource Consent application closed on 19 July 2023. The hearing is scheduled to commence on 18 September 2023.
4. Since the close of submissions on the NoRs, a number of submissions have been received within 20 working days of the close date and have been accepted by the Council under section 37(4) of the RMA.
5. On 9 August 2023, the Hearing Panel issued Direction #3, directing that two additional submissions received 20 working days or more after the submission period closed for the NoRs on 11 April 2023 be accepted as late submissions in accordance with section 37A(b)(2) of the RMA.
6. Following the issuance of Direction #3, one additional submission from Yvonne and Gayo Vodanovich in respect to the Resource Consent application was received within 20 days of the close date and has been accepted by the Council under section 37(4) of the RMA.
7. Two additional submissions lodged in respect to NoR S2 were received 20 working days or more after the submission period for the NoRs closed on 11 April 2023:
 - (a) The first late submission was received from Kumeu Central Limited on 16 August 2023; and
 - (b) The second late submission was received from Tahua Partners Limited on 16 August 2023.

8. The late submissions advise that they are the same as those made in respect of NoR S3, and notes that *“the two designations are somewhat interrelated and cover the same extent of the land”*. Further, *“[Kumeu Central Limited] is identified as submitter no. 38 and [Tahua Partners Limited] is identified as submitter no. 64”*.
8. The Council has requested the Hearing Panel to either accept or reject these two late submissions. By way of a memorandum dated 11 September 2023, the Council has recommended the late submissions be accepted. The Requiring Authority indicated on Sunday, 10 September 2023, that they are neutral about the late submissions being accepted or not.
9. The Hearing Panel has considered the request to waive the timeframes to accept or reject these late submissions and has determined that:
 - (a) No persons’ interests will be adversely affected by the waiver as it does not result in any time delay or additional steps in the notices of requirement;
 - (b) The interests of the community in achieving adequate assessment of the effects of the notices of requirement will be achieved as the submitters raise valid concerns arising from the notices of requirement; and
 - (c) Accepting the submissions will not interfere with the Council’s duty to avoid unreasonable delay, and the Hearing Panel is advised that the Requiring Authority is neutral about their inclusion.
10. The Hearing Panel therefore directs, under section 37A of the RMA, the following:
 - (a) That the late submission from Kumeu Central Limited that was lodged in respect of NoR S2 be accepted as a late submission in accordance with section 37A(b)(2); and
 - (b) That the submission from Tahua Partners Limited that was lodged in respect of NoR S2 be accepted as a late submission in accordance with section 37A(b)(2).
11. This Direction is to be circulated to all the parties to the hearing by the Hearings Advisor, Mr Patrice Baillargeon.
12. Any correspondence relating to this Direction and related matters should be sent to the Hearings Advisor, Mr Baillargeon via patrice.baillargeon@aucklandcouncil.govt.nz



Richard Blakey (Chairperson)
for the Hearing Panel

11 September 2023