

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 #8 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), 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 the Resource Consent application were included in the Hearing Panel’s Direction #1 dated 29 June 2023.
3. The hearing for the NoRs and the Resource Consent application commenced on 18 September 2023 and was adjourned on 12 October 2023.
4. The Requiring Authorities’ Reply was received on 27 November 2023 and the Panel is now determining whether it is able to close the hearing and proceed to preparing its recommendations on the NoRs and its decision in respect of the Resource Consent application.
5. While the Reply is comprehensive, the Panel has determined that further information is requested to be provided before it can close the hearing, as follows:
 - (a) The Reply does not comment on the proposed Advice Note to the ULDMMP condition, except to say that it was traversed at the hearing.¹ However, at Appendix G (page 681) it states in regard to this matter that “[a]s has been discussed in relation to front yard rules....”. The Panel queries whether the Reply has meant to address this matter more fully but may have been overlooked. In any event the Panel would appreciate the Requiring Authorities’ response to submitter evidence presented during the hearing on this issue.

¹ EV288, at [24.5]

- (b) The Reply refers to Waka Kotahi using the LINZ hardship policy guidelines in considering applications of hardship.² As requested during the hearing, the Panel would appreciate being provided with a copy of these policy guidelines.
 - (c) The Reply refers to both private plan changes and the effect of the FDS in the Kumeū-Huapai and Riverhead growth areas.³ The Panel would be assisted by the provision of a map indicating current private plan change applications in these growth areas, and Riverhead, to better understand present growth pressures. Such a map is recommended to take the form of that provided during the recent Warkworth NoR hearing.⁴ However, the Panel wishes to highlight that this is an optional requirement on the Requiring Authority.
 - (d) In terms of the proposed conditions of the Resource Consent application, the plans referenced in Condition 1 do not reflect the change in designation plan for 4 Luckens Road (Map 026/page 657). The Panel suggests that updates are required to the Stormwater Layout Plan SGA-DRG-NWE-002-DR-1401 (Rev C) and the Cut and Fill Plan SGA-DRG-NWE-002-EN-1601 (Rev A) to align with Map 026.
 - (e) A copy of the conditions for the NoRs and the Resource Consent application in Word format will be necessary for the Panel's recommendations and decision in the event that they are confirmed and/or modified (NoRs) and approved (Resource Consent).
6. The Panel also acknowledges the comments in the Reply that the Requiring Authorities have not been able to complete the technical analysis required to confirm that Healthy Waters' closing position is workable, and that this work is continuing.⁵ The Panel requests that any updates in respect of this matter may also be provided as part of its reply to the matters noted in paragraph 5 above.
7. This Direction is to be circulated to all the parties to the hearing by the Hearings Manager, Ms Julie McKee.
8. Any correspondence relating to this Direction and related matters should be sent to Ms McKee via julie.mckee@aucklandcouncil.govt.nz.



Richard Blakey (Chairperson)
for the Hearing Panel

30 November 2023

² Ibid, at [5.34]

³ Ibid, at [6.30] and [6.31]

⁴ Warkworth NoRs – EV08, at Appendix B

⁵ EV288, at [15.6]