

IN THE MATTER

of the Resource Management Act 1991
(RMA)

AND

IN THE MATTER

of a notice of requirement and applications for resource consent by Waka Kotahi - The New Zealand Transport Agency to enable the construction, operation and maintenance for a new four lane state highway between Warkworth and Wellsford

PRE-HEARING DIRECTIONS

1. The hearing of the notice of requirement (**NOR**) and applications for resource consent (**RC Applications**) by Waka Kotahi - The New Zealand Transport Agency (**NZTA**) to enable the construction, operation and maintenance for a new four lane state highway between Warkworth and Wellsford has been notified to commence on 6 October 2020. The hearing is scheduled to take place from 6 to 9 and 12 to 15 October 2020, with back-up days of 19 to 21 October 2020, at the Warkworth Masonic Hall, 3 Baxter Street, Warkworth.
2. Pursuant to section 34A of the Act, the Auckland Council has appointed independent hearing commissioners Kitt Littlejohn (Chair), Julianne Chetham, Kim Hardy and Hugh Leersnyder to make a recommendation to NZTA in respect of the NOR, and to hear and determine the RC Applications.
3. The Commissioners consider that the NOR and RC Applications should be heard at the same time and that directions under section 41B and section 42A of the Act are therefore appropriate in relation to the NOR in order to ensure that pre-circulation of evidence for that matter mirrors the requirements of section 103B of the Act, which applies in respect of the RC Applications.

Evidence Directions

4. The Commissioners direct as follows:
 - (a) Pursuant to section 42A of the Act, a section 42A report in respect of both the NOR and RC Applications is to be made available to the Hearings' Advisor by **9am, Friday 28 August 2020** and posted on Council's website no later than **5pm, 1 September 2020**;
 - (b) Pursuant to section 41B(1) and (4) of the Act, NZTA is to provide all expert evidence in support of the NOR and RC Applications to the Council by **12pm, 15 September**

2020. The evidence is to be posted on Council's website as soon as possible after receipt, but in any event, no later than 5pm that day; and

- (c) Pursuant to section 41B(3) and (4) of the Act, any person who has made a submission on the NOR or RC Applications who intends to call expert evidence at the hearing (generally being evidence given by a professional with specialist qualifications and experience) then that party is to provide that evidence to the Council by **12pm, 29 September 2020**. The evidence is to be posted on Council's website as soon as possible after receipt, but in any event, no later than 5pm that day;
 - (d) Any summary statements, supplementary or rebuttal evidence, and NZTA's legal submissions (together with key legal authorities to be relied on) are to be provided to the Council by **9am, Friday 2 October 2020**, and posted on Council's website as soon as possible after receipt, but in any event, no later than 5pm that day.
5. All evidence etc is to be provided in either PDF or WORD document format.
6. These Directions do not apply to evidence to be presented by submitters from witnesses who are not experts. Although the Commissioners would be assisted by, and therefore encourage, the pre-circulation of non-expert evidence and submissions or submitter presentations for the hearing, such evidence and submissions can be provided when the submitter attends at the hearing.
7. Pursuant to section 41C(1) of the Act, in respect of evidence pre-circulated in accordance with these Directions, the hearing will be conducted in the following manner:
- (a) The party that has provided the pre-circulated evidence is to call the witness in person;
 - (b) The witness will then be asked to draw to the attention of the Commissioners the key points in the evidence. In this respect the expectation of the Commissioners is that the witness will be able to speak to the evidence or a written summary. The Commissioners may require certain evidence to be read where it is considered important to the proceedings; and
 - (c) The witness may then be questioned by the Commissioners.

Hearing Format

8. The format for the Hearing will generally be as follows:
- (a) The Hearing will be opened and the s 42A report taken as read;
 - (b) NZTA will present its opening legal submissions and evidence on both the NOR and RC Applications;
 - (c) Submitters will make their representations and present their evidence on both the NOR and RC Applications (where applicable);

- (d) NZTA will present any rebuttal evidence (of evidence presented for the first time at the Hearing);
 - (e) Council staff will address the section 42A Report and any updates arising out of the material presented after the report was circulated;
 - (f) NZTA will present its formal reply.
9. For further information on the format of evidence required please refer to the notification letter attached.

Any enquiries regarding these Directions or related matters should be directed to Paulette Kenihan, Senior Hearings' Advisor by email at Paulette.kenihan@aucklandcouncil.govt.nz.



Kitt Littlejohn
for the Hearing Commissioners
20 July 2020