

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

AND

IN THE MATTER of the Notice of Requirement by Counties Energy Limited to construct a new substation for Counties Energy at 8 Whangapouri Road, Karaka.

HEARING DIRECTIONS FROM 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 - Peter Reaburn (Chairperson), Gavin Lister and Basil Morrison. The Hearing Panel's function is to hear the application and submissions and make a recommendation on the Plan Change proposal.
2. Notice of Requirement – Counties Energy, 8 Whangapouri Road, Karaka seeks to construct a new substation for Counties Energy at 8 Whangapouri Road, Karaka.
3. The hearing has been set down for one day commencing on Monday 2 May 2022. This is to enable the Applicant to present its case and for the submitters to present their submissions to the Hearing Panel.
4. The Hearing Panel directs that the hearing will be conducted using “remote access facilities” (TEAMS) pursuant to s.39AA(2) of the RMA. The Hearing Panel has taken s.39AA(4) of the RMA into account in making this Direction. Any party who does not have access to internet will be able to participate via a telephone connection. The Council's Hearings Advisor, Sam Otter, will be providing the necessary details for on-line access to the hearing in due course.
5. In terms of procedural matters, section 41B of the RMA provides that the Council may direct that evidence from any expert be provided to the parties before the hearing. Section 42A of the RMA provides that the Council may prepare a report on the matters to be considered and be provided prior to the hearing. The Hearing Panel is aware that a section 42A report is being prepared by the Council.
6. Accordingly, the Hearing Panel directs as follows:
 - (a) Pursuant to section 42A of the RMA, the section 42A hearing report shall be provided to the Council's Hearing Advisor no later than 9.00 am, **Wednesday 6 April 2022**.
 - (b) The section 42A hearing report will be on the Council's website no later than 5.00 pm **Wednesday 6 April 2022**.
 - (c) Pursuant to sections 41B(1) and (2) of the RMA, the Applicant's expert evidence (evidence given by a professional with specialist qualifications and experience) is

to be provided to the Council's Hearing Advisor no later than 12.00 midday, **Wednesday 13 April 2022.**

- (d) Pursuant to sections 41B(3) and (4) of the RMA, any submitter who intends to call expert evidence at the hearing (evidence given by a professional with specialist qualifications and experience) is to provide that evidence to the Council's Hearing Advisor no later than no later than 12.00 midday, **Friday 22 April 2022.**
7. While these Directions do not apply to lay or non-expert statements/evidence, the Hearing Panel would appreciate any written statements to be presented at the hearing by submitters to be provided to the Council's Hearing Advisor no later than 5.00 pm, **Friday 22 April 2022.**
8. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than the 5.00 pm, **Thursday 28 April 2022.** The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
9. The purpose of these Directions is to provide the opportunity for the Hearing Panel and the other parties to have read and considered any legal submissions, evidence or statements in advance of the hearing to assist in understanding the case being presented. As the Hearing Panel will have read all the pre-circulated material before the hearing, there will be no need for it to be read out. An executive summary may be read out or the key points highlighted.

Any enquiries regarding these Directions or related matters should be directed to the Council's Hearing Advisor, by email at sam.otter@aucklandcouncil.govt.nz



Peter Reaburn, Chairperson
Date: 4 April 2022