

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of Plan Change 22 and Plan Modification 12 to the
Auckland Unitary Plan

DIRECTION #2 OF THE CHAIRPERSON OF COMMISSIONERS

1. On 21 March 2019, Auckland Council (**Council**) notified Proposed Plan Change 22 (**PPC22**) to the Auckland Unitary Plan-Operative in Part (**AUP(OIP)**), and Proposed Plan Modification 12 (**PPM12**) to the Auckland Council District Plan – Hauraki and Gulf Islands – Operative 2018 (**HGI**).
2. Submissions closed for both plan changes on 18 April 2019 at which point 10 submissions were received on PPC22 and 5 submissions on PPM12. The summary of submissions was notified on 9 May 2019 with further submissions closing on 23 May 2019 at which point 12 further submissions on PPC22 and 3 further submissions on PPM12 were received.
3. Following the receiving of submissions and further submissions on the plan changes, Council undertook two partial withdrawals of PPC22 on 9 May 2019 and 24 October 2019 to correct a minor error and to remove one of the nominated sites (Site 105 – Te Wairoa) respectively. As a result of these partial withdrawals, the number of submissions on PPC22 was reduced to 5 submissions and 2 further submissions.
4. Under s34A of the Resource Management Act 1991 (**RMA**), Council appointed Sheena Tepania (**Chairperson**) and, independent hearings commissioners Alan Watson, and William Kapea (**the Panel**), to hear and make decisions on PPC22 and PPM12 to the AUP(OIP).
5. On 13 November 2019 the Commissioners issued the first set of directions regarding evidence exchange. A hearing was scheduled for Thursday 20 February 2020 and Friday 21 February 2020.
6. On 17 December 2019 we received advice from Council that the matter was to be renotified, the hearing postponed and Direction #1 was cancelled.
7. Council renotified (limited) PPC22 and PPM12 on 11 February 2020. Submissions closed on 10 March 2020 and the summary of submissions (limited renotification) was notified on 26 March 2020 with further submissions closing on 9 April 2020. This limited renotification process resulted in 2 additional submissions on PPC22 and 1 on PPM12. No additional further submissions were received.

8. That process now complete, a hearing has been set down for two (2) days on Thursday 13 August 2020 and Friday 14 August 2020.
9. The reason for this Direction is to establish dates for the provision of reports and/or expert evidence so that the proceedings can be conducted in an efficient and effective manner. It is also recognised that there may be a considerable amount of material to be collated and circulated prior to the hearing and sufficient time is needed for doing so.
10. The Chairperson is aware that a section 42A RMA report is currently under preparation by the Council.
11. Accordingly, the Chairperson directs under sections 41B and 42A of the RMA as follows:
 - (a) The Council officer's section 42A RMA report is to be provided to the Hearings Advisor by **midday, Monday 20 July 2020**.
 - (b) That the section 42A RMA report be circulated to the Panel and the submitters and posted on Council's website, as soon as possible after receipt but in any event no later than **5pm, Wednesday 22 July 2020**.
 - (c) Pursuant to sections 41B(3) and (4) RMA, that if any person who has made a submission 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 Hearings Advisor by **5pm, Tuesday 4 August 2020** for circulation to the Panel, the other submitters and the Council officers.
 - (d) That the submitters' expert evidence be posted on Council's website as soon as possible after receipt but in any event, no later than **midday, Wednesday 5 August 2020**.
12. The purpose of this Direction is to provide the opportunity for the Panel and for the parties to consider any expert or technical evidence in advance of the hearing to assist all parties in understanding that evidence. It may also allow for the expert evidence to be summarised rather than read in its entirety at the hearing.
13. For the avoidance of doubt, lay representations (non-expert evidence) or evidence to be presented by submitters who are "non-experts" (persons who do not provide expert evidence at these types of proceedings), and legal submissions, are not required to be provided prior to the hearing. They will have the opportunity to present written or oral evidence at the hearing in the normal manner. They do not need to pre-circulate their own statements or representations before the hearing commences.
14. This Direction is to be circulated to all the parties to the hearing by the Hearings Advisor. That may be by email.
15. For further information on the format of evidence required please refer to the notification letter attached.

16. Any enquiries regarding this Direction or related matters should be directed to Sam Otter, Hearings Advisor by email at sam.otter@aucklandcouncil.govt.nz.



Sheena Tepania (Chair)
for the Hearing Panel
22 June 2020