

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

AND

IN THE MATTER of **Private Plan Changes 48** (Kiwi Property No. 2), **49** (Fulton Hogan Land Development Limited) and **50** (Oyster Capital Limited) to the Auckland Unitary Plan – Operative in Part.

DIRECTION OF THE HEARING PANEL

'PROCEDURAL MEETING' IN RELATION TO PLAN CHANGES 48, 49 AND 50 – RECONVENING THE HEARINGS TO HEAR TRAFFIC RELATED MATTERS.

1. Pursuant to section 34 and 34A of the RMA, Auckland Council has appointed a Hearing Panel consisting of independent hearing commissioners - Greg Hill (Chairperson), Mark Farnsworth and Karyn Kurzeja¹. The Hearing Panel has been delegated the authority to hear the plan change requests and submissions, and make decisions on those plan changes.
2. The Hearing Panel, in its Direction dated 18 June 2021 agreed to changing the scheduling and format of the hearings (resulting in the hearings being held in two tranches). This was due to the traffic engineering analysis supporting the plan changes having assumed implementation of the Mill Road Extension, which no longer has central government funding for the full Mill Road corridor, including the southern section through Drury.
3. The Applicants sought the following Direction in relation to the reconvening of the hearings:

That a separate evidence exchange timetable be developed for the Traffic Evidence with the hearings resuming to address that evidence. It is anticipated that:

 - (i) *The resumed hearing would address the detailed traffic and transport matters.*
 - (ii) *All parties with an interest in these matters could submit further focused legal submissions in support of their Traffic Evidence.*
 - (iii) *The Applicants would make their legal submissions in reply on all matters at the end of the resumed hearing(s).*
4. We set out in our 18 June 2021 Direction that:

We will address the details of any reconvened hearing dates, traffic related evidence exchange dates, and the matters to be addressed at the reconvened hearingin a later Direction.
5. The Hearing Panel considers it will be more efficient and constructive to convene a 'Procedural Meeting' to discuss the reconvening of the hearings. Matters that need to be discussed before being able to determine hearing dates include:

¹ Ms Kurzeja in relation to Plan changes 48 and 50.

- The timing of the completion of the additional transport modelling and any traffic and planning assessments by the Applicant;
 - When the additional transport modelling and any traffic and planning assessments will be made available to all other parties;
 - Whether alternative dispute resolution processes (ADR) (eg expert conference) will be held in relation to the transport modelling and any traffic and planning assessments; and whether this is prior to or post any evidence exchange;
 - The evidence exchanges dates, and the sequence of that evidence exchange – e.g. Applicant evidence, Submitter evidence, an addendum section 42A report, and any rebuttal evidence (to ensure all parties have sufficient time to fully understand and address any revised transport modelling and any traffic and planning assessments);
 - Whether the reconvened hearings may address matters other than traffic related matters – e.g. matters that have arisen from the first tranche of the hearings where further ADR processes may have further clarified matters);
 - Whether, given the truncated nature of the hearing, all parties are provided an opportunity to ‘sum up’ their overall case (likely to be in the nature of closing legal submissions); and if so the timing and sequencing of these.
6. It is the Hearing Panel’s view that until the matters set out above have been canvassed it is not possible to set any reconvened hearing dates. Accordingly, the Hearing Panel proposes to hold a **Procedural Meeting at 9.30 am 28 July 2021** in the Manukau Room at the Civic Building Manukau prior to the commencement of the hearing for Plan Change 48. It is estimated that this meeting may take up to 2 hours.
 7. The Hearing Panel has deliberately chosen this date as it is likely that many of the parties involved in the Plan Change 48 hearing will also be parties to Plan Changes 49 and 50. This timing will therefore avoid the need for all parties to schedule another day outside of the already scheduled hearing dates.
 8. The Hearing Panel will likely issue formal Directions in relation to the reconvened hearings following the Procedural Meeting (most likely after the completion of the hearing of the first stage of Plan Change 48).
 9. Written submissions may be provided ahead of the Procedural Meeting, and are to be provided to Mr Otter, Council’s Senior Hearing Advisor (email below), no later than **midday 21 July 2021**.
 10. Parties are also asked to inform Mr Otter if you intend to come to the Procedural Meeting, again no later than **midday 21 July 2021**.
 11. Any other enquiries regarding this Direction or related matters should be directed to Mr Sam Otter, by email at sam.otter@aucklandcouncil.govt.nz



Greg Hill - Chairperson
12 July 2021