

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

AND

IN THE MATTER of **Private Plan Change 74** – Golding Meadows and Auckland Trotting Club Inc to the Auckland Unitary Plan

HEARING DIRECTION #2 FROM THE HEARING PANEL

1. Pursuant to section 34A of the RMA, Auckland Council (the Council) has appointed the Hearing Panel – Richard Blakey, Bridget Gilbert and Vaughan Smith. The Hearing Panel's function is to hear the application and submissions and make a decision on the Plan Change proposal, including any changes to it that are within scope of the notified Plan Change. It is also to deal with any procedural matters.
2. Plan Change 74, in summary, aims to:
 - (a) Rezone approximately 82.66 hectares of land in south-eastern Pukekohe, bounded by Golding Road, Station Road, Royal Doulton Drive, part of Yates Road and a stream that runs in a roughly southerly direction from Golding Road to Yates Road from Future Urban Zone and Special Purpose – Major Recreation Facility Zone (Franklin Trotting Club Precinct) to a combination of Business - Light Industry Zone (19.974ha), Residential – Mixed Housing Urban Zone (62.356ha) and Neighbourhood Centre Zone (0.3365ha).
 - (b) Introduce a new precinct to the Auckland Unitary Plan (Operative in Part) to manage:
 - noise from the nearby Pukekohe Park motorsport activities;
 - traffic generated to the land;
 - a new Significant Ecological Area;
 - the indicative location of future collector road; and
 - key walking and cycle routes.
3. On 29 June 2022, the Hearing Panel directed the applicant to file a memorandum outlining what, if any, changes they recommend to the proposal and outline which changes are in response to which submissions. The applicant filed an email and a revised set of provisions on 13 July 2022. All documents are attached to this Direction.
4. The Hearing Panel have considered the applicant's email and revised provisions and accordingly directs the following:

- (a) Pursuant to section 42A of the RMA, the section 42A hearing report is to be with the Council's Hearings Advisor, Bevan Donovan by 9am on Monday, 15 August 2022 and shall be released to all parties no later than 5pm **Thursday, 18 August 2022**.

The Hearing Panel is not able to direct the section 42A hearing report to include an assessment of the revised provisions as that would be contrary to Part 2 of Schedule 1 of the RMA.

- (b) 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 Hearings Advisor no later than midday, **Thursday, 1 September 2022** and will be made available to the parties and on the Council's website no later than 5.00pm the same day.
 - (c) Should changes to the Plan Change be proposed by the applicant the evidence provided in (b) must include a section 32AA report and reasons why any proposed changes are in scope.
 - (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 Hearings Advisor no later than midday, **Thursday, 15 September 2022** and will be made available to the parties and on the Council's website no later than 5.00pm the same day.
 - (e) Pursuant to sections 41B(1) and (2) of the RMA, any rebuttal evidence to be provided by the Applicant and submitters' experts is to be provided to the Council's Hearings Advisor no later than midday, **Thursday, 13 October 2022** and will be made available to the parties and on the Council's website no later than 5.00pm the same day.
 - (f) Pursuant to section 42A of the RMA, the reporting planner shall provide an addendum section 42A hearing report containing updated proposed provisions to the Council's Hearings Advisor no later than midday, **Thursday, 20 October 2022** and will be made available to the parties and on the Council's website no later than 5.00pm the same day
 - (g) The hearing shall commence on **Thursday, 27 October 2022** and has been set down for two days.
5. 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 Hearings Advisor no later than midday,

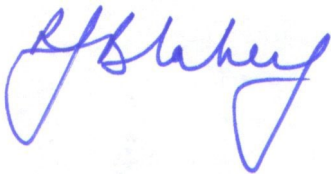
Thursday, 13 October 2022 and will be made available to the parties and on the Council's website no later than 5.00pm the same day

6. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than midday, **Tuesday, 25 October 2022**. The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
7. 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 maybe read out or the key points highlighted.
8. The Hearing Panel understand the reporting planner and applicant have agreed that expert conferencing would be beneficial to take place after the circulation of expert evidence and prior to the hearing. The panel therefore directs that expert conferencing will take place during the week of **26 September 2022**.
9. The purpose of the conferencing is for the parties' experts to identify, discuss and potentially resolve (or not) the issues in contention between them. This may enable all parties to reduce the scope and length of the expert evidence and to focus on those matters that remain in contention.
10. At this stage and without intending to constrain the expert conferencing the Hearing Panel directs there be expert conferencing on:
 - Planning; and
 - Transportation.

These sessions may be attended by experts from a mix of disciplines as considered appropriate. For example, planning experts may be invited to attend the Transportation sessions and vice versa.

11. The Hearing Panel directs that conferencing is undertaken in accordance with the Environment Court Practice Note 2014 and in particular – Appendix 3 – Protocol for Expert Witness Conferences. This includes section 3 of that Appendix – The Role of Counsel in expert conferencing. Also, those experts participating in the conferencing are to make themselves available to appear at the hearing in person if required to do so by the Hearing Panel.
12. The Hearing Panel is advised that the Council Hearings Manager has confirmed the appointment of Ms Marlene Oliver as the independent facilitator. She is authorised to:

- Act as independent facilitator;
 - In conjunction with the Council's Hearing Advisor, invite the applicant, all submitters and the Council as regulator (in its section 42A reporting function) to advise whether their expert witnesses in the relevant fields will attend the conferencing sessions;
 - Liaise with the applicant, submitters, Council as regulator and experts who register an interest in attending the conferencing; and
 - In conjunction with the Council's Hearing Advisor, organise the topics (including agendas), attendees, sessions, times and venues for conferencing (noting that online conferencing may be necessary).
13. That, accordingly, all parties are to inform the Council's Hearing Advisor, Bevan Donovan, by email (address below) of the expert witnesses (name, expertise and contact details) who will attend the conferencing sessions. This is to be provided to Mr Donovan no later than **4.00pm on Monday 5 September 2022**.
14. While these directions cannot compel all of the parties to agree to take part in the conferencing sessions or compel expert witnesses to attend and participate, we strongly recommend that they do so. The sessions will provide a degree of formality for those parties and witnesses who attend in an effort to clarify and narrow the issues in contention. This should ensure that the hearing is more efficient than if conferencing sessions were not held.
15. Any enquiries regarding these Directions or related matters should be directed to the Council's Hearings Advisor, Bevan Donovan, by email at bevan.donovan@aucklandcouncil.govt.nz.



Richard Blakey, Chairperson
28 July 2022