

IN THE MATTER OF the Resource Management Act 1991 (the RMA)

AND

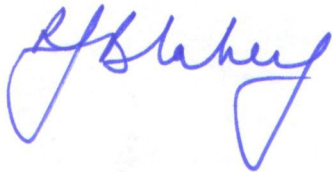
IN THE MATTER OF Nineteen Notices of Requirement (NoRs) and one Resource Consent application for the North-West project by Te Tupu Ngātahi Supporting Growth Alliance (SGA), a partnership between Auckland Transport (AT) and Waka Kotahi NZ Transport Agency (Waka Kotahi)

DIRECTION #2 OF THE HEARING PANEL – EXPERT CONFERENCING

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 – Richard Blakey (Chairperson), Vaughan Smith and Mark Farnsworth. The Hearing Panel’s function is to hear the applications and submissions and make recommendations to the Requiring Authority on its 19 NoRs and hear the application and submissions and make a decision on one Resource Consent application. It is also to deal with any procedural matters.
2. A summary of the 19 NoRs and Resource Consent application were included in the Hearing Panel’s Direction #1 dated 29 June 2023.
3. The NoRs and Resource Consent have been the subject of notification, and submissions for the NoRs have been received. Submissions for the Resource Consent application closed on 19 July 2023. The hearing is scheduled to commence on 18 September 2023.
4. The Hearing Panel’s Direction #1 outlined the evidence exchange timetable for the hearing and the proposed dates for expert conferencing.
5. Clause 8AA (Resolution of Disputes) of the First Schedule of the RMA enables a process to resolve disputes between parties. Accordingly, in terms of this Plan Change the Hearing Panel agrees that expert conferencing may be useful.
6. The purpose of the conferencing is for the parties’ experts to identify, discuss and potentially resolve (or not) issues in contention between them. This may enable all parties to focus on those matters that remain in contention at the hearing.
7. The Hearing Panel directs that any conferencing that is undertaken is to be in accordance with the Environment Court Practice Note 2023. 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.

8. At this stage and without intending to constrain the scope of expert conferencing the Hearing Panel directs there be expert conferencing on planning, transportation and noise/vibration (construction and operation).
9. These sessions may be attended by experts from a mix of disciplines as considered appropriate. For example, planning experts may be invited to attend Transportation sessions and vice versa.
10. The Hearing Panel has appointed Marlene Oliver as the independent facilitator. The facilitator is authorised to:
 - Act as independent facilitator;
 - In conjunction with the Council's Senior Hearings Advisor, invite the applicant, all submitters and the Council as regulator (in its s42A 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 Senior Hearings Advisor and applicant, organise the topics (including agendas), attendees, sessions, times and venues for conferencing.
11. The expert conferencing will take place between Friday 25 August and Wednesday 30 August 2023. Further dates may be added at the facilitator's discretion. In accordance with this Direction, the detailed scheduling of sessions is delegated to the facilitator, in conjunction with the Requiring Authority.
12. For each session, a joint witness statement should be prepared identifying areas of agreement and disagreement, with the reasons for each witness's position recorded succinctly. All joint witness statements are to be provided to the Senior Hearings Advisor as soon as possible.
13. In accordance with paragraph 6(g) of the Hearing Panel's Direction #1, all parties are to inform the Council's Senior Hearings Advisor, Patrice Baillargeon by email (address below) of the expert witnesses (name, expertise and contact details) who will attend the conferencing sessions. This is to be provided no later than **4.00pm on Friday 4 August 2023**. Please note that it is the responsibility of the submitter to reimburse their experts for attendance at expert conferencing.
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. The remainder of the timetable set out in the Hearing Panel's Direction #1 remain unchanged.
16. This Direction is to be circulated to all the parties to the hearing by the Hearings Advisor, Mr Patrice Baillargeon.
17. Any correspondence relating to this Direction and related matters should be sent to the Hearings Advisor, Mr Baillargeon via patrice.baillargeon@aucklandcouncil.govt.nz



Richard Blakey (Chairperson)
for the Hearing Panel

26 July 2023