

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

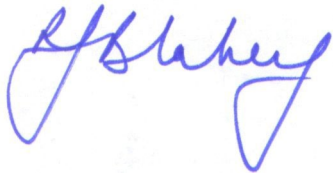
**AND**

**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 #4 OF 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 – 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 has received a memorandum of counsel dated 11 August 2023 seeking directions as to the matters to be addressed in Auckland Transport's evidence for the Trig Road (South) Project (Resource Consent Application); the way in which the NoRs and resource consent, and associated legal submissions, are to be heard; and to confirm timetable directions for legal submissions. In respect of the latter item, the Panel notes that the notice of hearing issued on 9 August 2023 is at variance to the Panel's Direction #1, and these directions will confirm that the date set out in Direction #1 will prevail.
5. The Panel therefore directs as follows:
  - (a) Auckland Transport's primary evidence in support of the Resource Consent Application is to be confined to matters of disagreement between Auckland Transport and Auckland Council, as identified in the Council's section 42A report, and matters raised in submissions.

- (b) The evidence for all NORs for the North West Network is to be heard together, including those NORs relating to the Trig Road (South) Project.
  - (c) The Requiring Authorities are to present opening submissions for both the NORs and Resource Consent Application at the beginning of the hearing.
  - (d) Legal submissions for the Resource Consent Application are requested by 12pm 14 September 2023, replacing the earlier direction on this item in the notice of hearing dated 9 August 2023 (i.e., the dates set out in Direction #1 remain unchanged).
6. This Direction is to be circulated to all the parties to the hearing by the Hearings Advisor, Mr Patrice Baillargeon.
7. Any correspondence relating to this Direction and related matters should be sent to the Hearings Advisor, Mr Baillargeon via [patrice.baillargeon@aucklandcouncil.govt.nz](mailto:patrice.baillargeon@aucklandcouncil.govt.nz)



Richard Blakey (Chairperson)  
for the Hearing Panel

14 August 2023

**BEFORE AN INDEPENDENT HEARINGS PANEL  
OF THE AUCKLAND COUNCIL**

**UNDER** the Resource Management Act 1991 (the **RMA**)

**AND**

**IN THE MATTER OF** Notices of requirement for designations, notices of requirement for alterations to existing designations, application for resource consents by **WAKA KOTAHI NZ TRANSPORT AGENCY** and **AUCKLAND TRANSPORT**, collectively known as the North West Network

---

**MEMORANDUM OF COUNSEL ON BEHALF OF WAKA KOTAHI NZ  
TRANSPORT AGENCY AND AUCKLAND TRANSPORT**

**NORTH WEST NETWORK**

**Dated: 11 August 2023**

---



Te Tupu Ngātahi Supporting Growth  
Auckland

Solicitor acting: **Andrew Beatson / Leigh Ziegler**  
Email: [andrew@beatson.nz](mailto:andrew@beatson.nz) / [leigh.ziegler@supportinggrowth.nz](mailto:leigh.ziegler@supportinggrowth.nz)  
Mob: 021 223 9170 / 021 230 6015 | PO Box 105 218, Auckland 1143

## **MAY IT PLEASE THE PANEL:**

1. This memorandum is filed on behalf of Waka Kotahi NZ Transport Agency and Auckland Transport (**the Requiring Authorities**) in relation to the notices of requirement for designations and alterations to existing designations by the Requiring Authorities, and the application for regional resource consents for the Trig Road (South) Project by Auckland Transport (**Resource Consent Application**), collectively known as the North West Network.
2. Specifically, it seeks directions from the Panel in relation to the primary evidence and legal submissions to be filed in support of the Resource Consent Application, and the hearing process for the Trig Road (South) Project.

### **Scope of evidence**

3. We refer to the Notice of Hearing for the Resource Consent Application dated 9 August 2023, which directs that Auckland Transport's primary evidence is due by 12pm 1 September 2023.
4. Auckland Transport seeks directions from the Panel that this evidence is confined to matters of disagreement between Auckland Transport and Auckland Council, as identified in the Council's s 42A report, and matters raised in submissions.
5. Given the limited nature of the matters in contention, Auckland Transport considers that confining the scope of evidence to these matters is a more efficient approach than providing wide ranging evidence (e.g. confirming matters contained in the AEE, etc), as it ensures that the evidence is focussed on the key issues in contention and will reduce the number of statements that need to be filed.

### **Hearing Timetable**

6. During our internal discussions with the Council, a question has been raised as to how the Resource Consent Application will be heard as part of the hearing on the broader North West Network, and the notices of requirement (**NORs**) sought in relation to the projects that comprise the North West Network. In particular, a query has been raised as to whether the NORs for

the Trig Road (South) Project could be separated from the other NORs, and heard in conjunction with the Resource Consent Application.

7. In Auckland Transport's view, it would be inappropriate to separate out the NORs that relate to the Trig Road (South) Project so that they can be heard alongside the Resource Consent Application.
8. This is because the statements of evidence filed in relation to the NORs have not been specific to the different packages such that the Trig Road (South) Project could be easily separated out and the packages heard across separate hearing days. This approach would likely cause unnecessary confusion, necessitate the recall of witnesses who have already appeared, and extend the hearing time.
9. Instead, the Requiring Authorities seek that the Panel issues a direction to the effect that evidence for all NORs for the North West Network is heard together, including those NORs relating to the Trig Road (South) Project.
10. The Requiring Authorities consider that the most efficient approach to delivering their case is to present opening submissions on both the NORs and Resource Consent Application at the beginning of the hearing, and seeks directions confirming that approach. This would be followed by hearing from the Requiring Authorities' witnesses in support of the NORs (and Resource Consent Application for witnesses involved in both projects), followed by the witnesses in support of the Resource Consent Application. This ensures that its witnesses do not need to be recalled.

### **Legal submissions**

11. The Notice of Hearing dated 9 August 2023 requests that legal submissions for the Resource Consent Application be filed by 12pm 13 September 2023. This is the same date that non-expert submitter evidence is requested, which means that Auckland Transport's written legal submissions cannot address matters raised across all statements of evidence. This date is also not aligned across the North West Network, as legal submissions for the NORs are requested by 12pm 14 September 2023.
12. To resolve these issues and ensure that the legal submissions are comprehensive and complete, Auckland Transport seeks that these directions

are adjusted so that it is requested to file legal submissions on the Resource Consent Application by 12pm 14 September 2023. As set out above, this ensures alignment across the North West Network.

## **Conclusion**

13. The Requiring Authorities request that the Panel makes the following directions:
  - (a) Auckland Transport's primary evidence in support of the Resource Consent Application is to be confined to matters of disagreement between Auckland Transport and Auckland Council, as identified in the Council's s 42A report, and matters raised in submissions.
  - (b) The evidence for all NORs for the North West Network is to be heard together, including those NORs relating to the Trig Road (South) Project.
  - (c) The Requiring Authorities are to present opening submissions for both the NORs and Resource Consent Application at the beginning of the hearing.
  - (d) Legal submissions for the Resource Consent Application are requested by 12pm 14 September 2023, replacing the earlier direction.



---

11 August 2023

**A J L Beatson / L Ziegler**

Counsel for Waka Kotahi NZ Transport Agency and Auckland Transport