

**IN THE MATTER** of the Resource Management Act  
1991

**AND**

**IN THE MATTER** of an application for resource  
consents by Watercare Services  
Limited to undertake works  
relating to the proposed Huia  
Replacement Water Treatment  
Plant

### **DIRECTIONS OF THE HEARING COMMISSIONERS**

1. Pursuant to section 34A of the RMA, Auckland Council ("**Council**") has appointed Independent Hearing Commissioners Philip Brown (as Chairperson), Juliane Chetham, Hugh Leersnyder, and Michael Parsonson to hear and determine an application for resource consents by Watercare Services Limited ("**Watercare**") to undertake works relating to the proposed Huia Replacement Water Treatment Plant.
2. The application seeks resource consents under the regional rules of the Auckland Unitary Plan: Operative in Part ("**AUP:OP**") and a land use consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. The proposal involves earthworks, vegetation removal, stream works, diversion and discharge of groundwater and stormwater, development of new impervious surfaces, and the disturbance of potentially contaminated land. The application falls to be considered overall as a non-complying activity.
3. The existing designation for the site covers all activities that would otherwise be addressed by the district rules of the AUP:OP, and we understand that these activities will be addressed through an outline plan of works that Watercare will submit separately under section 176A of the RMA.
4. The hearing has been set down for 11 days on 24 February, 26-28 February, 4-6 March, 9 March, and 11-13 March 2020. Four overflow days are available if required.
5. In terms of procedural matters, section 41B of the RMA provides that the Council may direct that evidence from any expert be provided to the parties before the hearing and section 42A

RMA provides that the Council may require that a report on the matters to be considered be provided prior to the hearing. Section 41C provides broad powers to make directions relating to the presentation of evidence.

6. The Hearing Commissioners have considered whether any directions are appropriate in this instance, regarding the pre-circulation of evidence and the Council planner's section 42A report. Given the likely volume of evidence that will be submitted in this case, and the need to provide sufficient time for its proper consideration, the Commissioners consider that some limited extension to the normal pre-circulation timeframes is warranted and will assist in enabling a more efficient process.
7. Accordingly, the Commissioners direct as follows:
  - (a) Pursuant to section 42A RMA, that the Council's section 42A report be made available on Council's website by **5pm on Friday 24 January 2020**;
  - (b) Pursuant to sections 41B(1) and (2), that Watercare's expert evidence shall be provided to the Hearings Advisor by **12.00 noon on Tuesday 4 February 2020**;
  - (c) Pursuant to sections 41B(3) and (4), 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 **12 noon on Friday 14 February 2020**;
  - (d) All evidence is to be in either PDF or Word document format; and
  - (e) As soon as possible after receipt of any such evidence received pursuant to the above Directions, that the Council places the evidence on its website.
8. The purpose of these Directions is to provide the opportunity for the Commissioners and for the parties to consider any expert or technical evidence in advance of the hearing to assist all parties in understanding that evidence.
9. The Directions do not apply to 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). They will have the opportunity to present written or oral evidence at the hearing in the normal manner. They are not required to pre-circulate their own statements or representations before the hearing commences.
10. However, this will be a lengthy hearing and the Commissioners are conscious that there may be a substantial amount of written evidence from submitters that does not qualify as expert evidence (and therefore would not normally need to be pre-circulated ahead of the hearing). For this reason and in the interests of using the available hearing time efficiently, submitters are **encouraged** to pre-circulate any statements of written evidence in excess of three pages in

length in accordance with the timeframe set out in 7(c) above. That will enable those submitters to summarise their evidence at the hearing rather than read it in full, as the Commissioners and other parties will have pre-read it.

9. Any enquiries regarding these Directions or related matters should be directed to Larissa Rew, Hearings Advisor by email at [larissa.rew@aucklandcouncil.govt.nz](mailto:larissa.rew@aucklandcouncil.govt.nz)

For and on behalf of the Hearing Commissioners



**Philip Brown**

Chairperson

18 November 2019