

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

AND

IN THE MATTER of **Private Plan Change 94** – Wairaka Precinct in Carrington Road, Mt Albert to the Auckland Unitary Plan

HEARING DIRECTION #3 FROM THE HEARING PANEL

EXPERT CONFERENCING – FACILITATED

1. The Applicant has requested that the Hearing Panel issue a Direction to provide for expert conferencing. The Applicant's request is set out below¹:

The purpose of this email is to request you give consideration to requiring 'expert conferencing' on Plan Change 94 relating to the following two matters:

- *open space; and*
- *urban design, landscape and heritage.*

While there are several matters raised through the submission process, there clearly are matters in debate around firstly open space and secondly the interrelated fields of urban design, landscaping and heritage.

Both the applicant and Council will produce expert evidence/reports on these two topics. It may well be that the submitters may also want to bring expert evidence in one or more of these areas.

I think there would be significant benefit in expert conferencing on these two topics. The benefits as I see are:

- (a) At the very least, it would create a common set of agreed facts which will help inform all parties and the Commissioners in evaluating the merits of the plan change.*
- (b) Conferencing after the release of the s42A report and expert evidence may resolve or at least narrow the remaining issues in contention. This will lead to more efficiency in the hearing process.*

2. Clause 8AA – Resolution of Disputes of the First Schedule of the RMA enables a process to clarify and resolve disputes between parties. The purpose of the conferencing process is for the parties' experts to identify, discuss and potentially resolve (or not) the issues in

¹ Email dated 11 Stember 2024.

contention between them. Accordingly, the Hearing Panel directs expert conferencing on the basis as set out below.

3. The Hearing Panel directs expert conferencing on the following topics:
 - open space; and
 - [the interrelated fields of] urban design, landscape and heritage; and
 - planning (in relation to the topics above); noting that the planners are able to attend the topic sessions above along with the ‘technical’ experts; and it may be determined that the planning session is better integrated into the other expert conferencing sessions.
4. Parties are to inform the Council’s Hearings Advisor, Chayla Walker (email address below) of:
 - The expert witnesses (name, expertise, and contact details) who will attend the conferencing sessions.
5. The information sought in paragraph 4 is to be provided no later than **Friday 27 September 2024**.
6. The expert conferencing will likely take place on **Friday 1 November 2024**. In accordance with this Direction, the detailed scheduling of sessions is delegated to the facilitator, in consultation with the parties.
7. The Hearing Panel directs that any conferencing undertaken is in accordance with the Environment Court Practice Note 2023 and in particular – Section 9 - Code of conduct for expert witnesses. Also, those experts participating in the conferencing are to make themselves available to appear at the hearing if required to do so by the Hearing Panel.
8. The Hearing Panel appoints Mr Ian Munro as the independent facilitator. He is authorised to:
 - (a) Act as independent facilitator;
 - (b) In consultation with and assistance of the Council (as administrator) invite the Applicant, 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 expert conferencing sessions;
 - (c) In consultation with and assistance the Council (as administrator) organise the sessions (including format, topics, agendas, attendance and Joint Witness Statements (JWS), times and venues – in person or on-line as appropriate;
 - (d) Liaise with the Applicant, Submitters and the Council and its experts (in its section 42A reporting function); and;

- (e) Report to the Chair of the Hearing Panel on an as required basis on progress with the conferencing sessions and on any JWS setting out the outcomes, including matters agreed and not agreed.
9. While these directions cannot compel 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.
10. Any enquiries regarding these Directions or related matters should be directed to the Council's Hearings Advisor, Chayla Walker, by email at Chayla.walker@aucklandcouncil.govt.nz



Greg Hill – Chairperson
13 September 2024