

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

AND

IN THE MATTER OF Thirteen Notices of Requirement (NoRs) for the North 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 – LATE SUBMISSION

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), Mark Farnsworth and Vaughan Smith. The Hearing Panel’s function is to hear the applications and submissions and make recommendations to the Requiring Authorities on the 13 Notices of Requirement (NoRs). It is also to deal with any procedural matters.
2. A summary of the 13 NoRs were included in the Hearing Panel’s Direction #1 dated 20 February 2024.
3. The NoRs have been the subject of notification and submissions have been received. Submissions closed on 14 December 2023. The hearing is scheduled to commence on **Monday 17 June 2024**.
4. Since the close of submissions on the NoRs, three submissions have been received within 20 working days of the closing date and have been accepted by the Council under sections 37 and 37A(4) of the RMA.¹
5. On 7 June 2024 the Hearing Panel was provided with a memorandum from the Council (dated 6 June 2024) advising of receipt of a further late submission, from the owners of the land at 40 Masons Road, being the North Shore Vintage Car Club Incorporated in respect of NoR 4 (State Highway 1 Improvements – Albany to Orewa (South)). The submission is dated 1 June 2024 and was received by the Council on 4 June 2024.
6. The memorandum advises that while it is a matter for the Panel to determine, the Council does not oppose the submission being accepted. It advises that:

“It is noted in correspondence from the Requiring Authority (refer to the email and information from Kathleen Bunting dated 4 June 2024, provided as Attachment C)

¹ Hearing Agenda, at p.68

that there has been separate and ongoing discussions directly between the late submitter and SGA. It is also noted that the evidence in chief submitted by Martin Barrientos does address the property in question with a proposed adjustment to the NoR4 designation boundary shown on page 56 of his evidence.

However, it would appear that there is a level of ongoing disagreement between the submitter and the Requiring Authority. It is considered that this can be addressed by the parties through the hearing process”.

7. The Requiring Authorities have also advised the Hearing Advisor that they support the acceptance of the submission.
8. The Hearing Panel has considered the request to waive the timeframes to accept or reject this late submission and has determined that:
 - (a) No persons’ interests will be adversely affected by the waiver as it does not result in any time delay or additional steps in the notices of requirement;
 - (b) The interests of the community in achieving adequate assessment of the effects of the notice of requirement will be achieved as the submitter raises valid concerns arising from the notice of requirement; and
 - (c) Accepting the submission will not interfere with the Council’s duty to avoid unreasonable delay, and the Hearing Panel is advised that the Requiring Authority supports its acceptance.
9. The Hearing Panel therefore directs that the late submission from the North Shore Vintage Car Club Incorporated in respect of NoR 4 be accepted as a late submission in accordance with section 37A(4) of the RMA.
10. This Direction is to be circulated to all the parties to the hearing by the Hearings Advisor, Ms Chayla Walker.
11. Any correspondence relating to this Direction and related matters should be sent to Ms Walker via chayla.walker@aucklandcouncil.govt.nz



Richard Blakey (Chairperson)
for the Hearing Panel

7 June 2024