

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

**AND**

**IN THE MATTER** of **Notice of Requirement** by Watercare Services Limited (**Applicant**) at 372 Glenbrook Beach Road, Glenbrook.

**HEARING DIRECTION FROM THE HEARING PANEL - #2 REQUEST FOR EXTENSION OF EVIDENCE PROVISION TIMEFRAMES**

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 - Kitt Littlejohn (Chairperson), Mark Farnsworth and Helen Mellsop to hear the Notice of Requirement and submissions, and to make a recommendation on the proposal.
2. The hearing has been set down for three days commencing on **Wednesday 7 February 2024** with an overflow on 12 February 2024.
3. The Hearing Panel issued a direction on **Wednesday 20 December 2023** outlining the timetable for the provision of evidence by the parties, pursuant to section 41B of the RMA.
4. On **Tuesday 9 January 2024**, a letter was received from submitter Stop Polluting the Manukau Harbour Incorporated Society. The letter (attached) requested an extension to the timelines outlined in the above-mentioned direction.
5. The Panel appreciates that evidence timeframes invariably put pressure on parties to prepare and file expert evidence in support of their case, especially for parties who may not have confirmed witnesses to provide expert input to their submission until the date of hearing is notified. While the timetable specified in the original direction is reasonable and provides for more time than required under the Resource Management Act, due to the time of the year (the summer holiday season), the Panel is prepared to make some slight adjustments to the timetable to assist the submitter (and other submitters).
6. The directions for the hearing are therefore amended to provide submitters with a further week to prepare any expert evidence. The amended dates are as follows:

- (c) Pursuant to sections 41B(1) and (2) of the RMA, the Applicant's expert evidence is to be provided to the Council's Hearing Advisor no later than **midday, Friday 19 January 2024** and shall be made available on Council's website no later than 5.00pm that same day.
  - (d) Pursuant to sections 41B(3) and (4) of the RMA, any person who intends to call expert evidence at the hearing (evidence given by a professional with specialist qualifications and experience) is to provide that evidence to the Council's Hearing Advisor no later than no later than **midday, Friday 26 January Thursday 1 February 2024** and shall be made available on Council's website no later than 5.00pm that same day.
  - (e) Pursuant to sections 41B(1) and (2) and section 42A of the RMA, any rebuttal evidence and legal submissions by the Applicant are requested to be provided to the Council's Hearings Advisor no later than **midday, Thursday 1 February Monday 5 February 2024** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day.
7. While these Directions do not apply to lay or non-expert statements/evidence, the Hearing Panel would appreciate any written statements to be presented at the hearing by submitters to be provided to the Council's Hearing Advisor no later than **midday, Thursday 1 Monday 5 February 2024**.

7. Submitters are, of course, entitled (and encouraged) to provide their materials for the hearing earlier than the dates directed, to ensure the Panel has been able to pre-read.

Any enquiries regarding these Directions or related matters should be directed to the Council's Hearing Advisor, by email at [bevan.donovan@aucklandcouncil.govt.nz](mailto:bevan.donovan@aucklandcouncil.govt.nz).



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Kitt Littlejohn, Chairperson  
22 January 2024



## Stop Polluting the Manukau Harbour Incorporated Society

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9 January 2024

The Commissioner  
Kit Littlejohn  
C/- [bevan.donovan@aucklandcouncil.govt.nz](mailto:bevan.donovan@aucklandcouncil.govt.nz)

Dear Sir,

**RE: NoR - 372 Glenbrook Beach Road, Glenbrook (Watercare)**

I am writing to you on behalf of the 168 members of the above Society, which was formed late last year in relation to the proposed WWTP at Glenbrook.

We are strongly opposed to the dates proposed for this hearing as we wish to be heard and have proper representation.

We were advised by email at 3.58pm on the 20<sup>th</sup> of December 2023 regarding notification of the hearing date. On the 21<sup>st</sup> of December, we received a further email with a link to Councils website advising hearing reports could now be accessed. (We note there are some 2388 pages of documents contained in this link).

Given the timing of these emails and the Christmas shutdown (20 December – 15 January) this gives us 10 working days to have our information to you in time for the 26 January cut off.

We believe this is totally unreasonable and does not allow us sufficient time to engage experts who are themselves not available until the 15<sup>th</sup> of January (in most cases) and will directly impact on our ability to properly participate in the hearing. We further note that the Friend of the Submitters appointed by the Council is not available until the 18<sup>th</sup> of January.

Mr. Donovan has advised that the hearing must commence within 40 working days after the closing date of submissions; however, we were not aware of this. Furthermore, he has said the Council has an obligation to hold the hearing without unnecessary delay.

In the Quality Planning Guide (<https://www.qualityplanning.org.nz/node/873>) it states, “there is no longer a deadline that hearings must be started by. Instead, publicly notified hearings must be completed within 75 working days from the close of submissions.” This is contrary to the advice given by Bevan Donovan who quoted 40 days from the close of submissions. This information is

## **Stop Polluting the Manukau Harbour**

### **Incorporated Society**

according to the Ministry of Environments website which advises it is to provide greater certainty about the closing dates for hearings and when the decision will be issued.

Accordingly, we strongly believe that the Council has an obligation to us as ratepayers to give us a fair and reasonable opportunity to be heard and therefore respectfully request an extension of time to enable us to do this.

Kind regards

A handwritten signature in blue ink, appearing to read 'Rose McLaughlan', is written over a light blue rectangular background.

Rose McLaughlan  
Secretary