

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

AND

IN THE MATTER OF Nine Notices of Requirement (NoR) for the Pukekohe Transport Network project by Te Tupu Ngātahi – Supporting Growth Alliance (Te Tupu Ngātahi)

**DIRECTION OF THE HEARING PANEL
DIRECTION #4**

1. Pursuant to sections 34 and 34A of the RMA, Auckland Council and Waikato District Council (the Councils) have both appointed a Hearing Panel consisting of three independent hearing commissioners – Dave Serjeant (Chair), Nigel Mark-Brown and Basil Morrison. The Hearing Panel's function is to hear the applications and submissions and make recommendations to the Requiring Authority on the nine Notices of Requirement (NoR). It is also to deal with any procedural matters.
2. A summary of the 9 NoRs was included in the Hearing Panel's Direction #1 dated 30 November 2023.
3. The hearing is currently adjourned, pending the Hearing Panel's determination it has all information necessary to make the recommendations.
4. The purpose of this direction is to seek clarification on three matters relating to flooding.
5. Firstly, with reference to Pukekohe Transport Network Assessment of Effects on the Environment September 2023 (AEE), para 11.7.2 identifies key matters for inclusion in the CEMP:
 - Siting construction yards and stockpiles with minimal effects on flood flows
 - Methods to reduce the conveyance of materials and plant that is considered necessary to be stored or sited within the flood plain (e.g. actions to take in response to the warning of heavy rainfall events) and
 - Staging and programming to carry out work when there is less risk of high flow events,
 - Diverting overland flow paths away or through areas of work
 - Minimizing the physical obstruction to flood flows at the road sag point
6. It appears that not all of these matters are required to be addressed in the CEMP as drafted.
7. Secondly, at AEE para. 11.7.6 we note SGA consider that *"flood hazard risks during construction can be adequately managed. Proposed works will be located outside of flood plains and overland flow paths as far as practicable. Where this is not possible, potential flooding effects will be managed through the flood risk mitigation measures set out in the*

CEMP for existing high flood hazard areas". However, high flood hazard risk areas do not appear to be addressed in the CEMP.

8. Thirdly, noting the reply on flooding hazards in the closing submissions we have further queries on this. Mr Kirkman's advice varies from the interpretation of the graph titled *Figure 1 General flood hazard vulnerability curve* in his evidence. The graph area under H2 is unsafe for small vehicles, which make the parameters of condition 15 a. v. incorrect. The closing submissions at para. 13.9 refer to "NZTA's *national approach*" however we are unsure as to what this reference is. We are also aware of other guidelines on flood hazard such as Auckland Council's Stormwater Code of Practice which contains relevant parameters of 0.2m depth and 0.6m/s velocity (where there is no obvious danger). These parameters are much more onerous than what is being suggested in the final conditions.
9. We request that Te Tupu Ngātahi – Supporting Growth Alliance provide clarification on these matters as soon as possible.
10. This Direction is to be circulated to all the parties to the hearing by the Hearings Advisor, Mr Bevan Donovan.
11. The correspondence relating to this Direction and related matters should be sent to the Hearings Advisor, Mr Donovan via bevan.donovan@aucklandcouncil.govt.nz.

Dave Serjeant (Chair)
for the Hearing Panel

A handwritten signature in blue ink, appearing to read 'D Serjeant', written in a cursive style.

18 April 2024