

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

AND

IN THE MATTER of Private Plan Change 55

HEARING DIRECTIONS FROM THE HEARING PANEL

1. In our directions of 27 October 2021, we set out an amended evidence timetable and hearing dates for our consideration of this Plan Change application. The applicant's rebuttal evidence was due on 25 November 2021. However, we have received a request from the Applicant's Counsel, Mr Julian Dawson for a two week extension. In essence, the rationale for this extension are two fold, firstly to better reflect the nature of the issues raised in the other parties evidence and secondly to enable the discussions between the Applicant and Watercare to continue and potentially resolve the issues of contention.
2. We have considered this request and believe it is appropriate to enable this extension, as if this can resolve, or go some way to resolving the issues in contention between the Applicant and Watercare, this could significantly reduce the length of the hearing. A benefit for all the parties. As a result, we have agreed to Mr Dawson's request and the applicant's rebuttal evidence shall be due at **1.00pm on 10 Dec 2021**, which shall then be circulated as soon as possible to all the parties by Mr Donovan.
3. Mr Dawson has also requested a pre-hearing mediation meeting take place to assist the discussions between the Applicant and Watercare. It is our understanding, that following our directions of 12 October 2021, Watercare would be willing to enter into such a process. In light of this we do see real value in the pre-hearing mediation process, a powerful tool to reduce the matters in contention. As a result, we direct that this takes place in the week of 6 Dec 2021, with the view that this would be either Monday (6th) or Tuesday (7th), to enable the applicant's relevant witnesses to complete their evidence by 1.00pm on 10 Dec 2021. The details and the actual arrangement of the process shall be at the discretion of Ms Julie McKee (Council's Hearing Manager: Julie McKee Julie.McKee@aucklandcouncil.govt.nz).
4. Ms McKee shall arrange another Commissioner to be mediator for this matter. This commissioner shall complete a report detailing the outcomes of this process and circulate this, via Mr Donovan to all the parties by 15 Dec 2021. Finally on this issue, if we are incorrect on Watercare's position on this matter, they shall notify us by 1 Dec 2021, and our directions would fall away, as we do need the consent of all the parties for a pre-hearing mediation meeting with a Private Plan Change application.
5. Mr Dawson has advised us that his legal submission will be available by 18 Jan 2022. We thank him for this. However, we do not direct that the other parties legal

submissions have to be filed in advance. However, this would be helpful should any party be providing legal submissions.

Any enquiries regarding these Directions or related matters should be directed by email to the Council's Hearing Advisor bevan.donovan@aucklandcouncil.govt.nz.

A handwritten signature in purple ink, appearing to be 'L. Beattie', written in a cursive style.

Dr Lee Beattie
Chair on behalf of Commissioners Basil Morrison and Hugh Leersnyder
25 November 2021