

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

AND

IN THE MATTER of **Private Plan Change 93** – Warkworth South to the Auckland Unitary Plan – Operative in Part

HEARING DIRECTION #2 FROM THE HEARING PANEL

1. Pursuant to section 34A of the RMA, Auckland Council (the Council) has appointed a Hearing Panel consisting of three independent hearing commissioners – Karyn Kurzeja (Chairperson), Vaughan Smith and David Mead. The Hearing Panel's function is to hear the application and submissions and make a decision on the Plan Change proposal, including any changes to it that are within scope of the notified Plan Change. It is also to deal with any procedural matters.
2. On 28 August 2024, the Hearing Panel directed the applicant to file a memorandum outlining what, if any, changes they recommend to the proposal and outline which changes are in response to which submissions. The applicant filed the memorandum on 3 September 2024. Both documents are attached to this Direction.
3. The Hearing Panel have considered the applicant's memorandum and accordingly directs the following:
 - (a) Pursuant to section 42A of the RMA, the section 42A hearing report is to be with the Council's Senior Hearings Advisor, Patrice Baillargeon, by 9am on Friday 13 September 2024 and shall be released to all parties no later than 5pm on **Tuesday 17 September 2024**.

The Hearing Panel is not able to direct the section 42A hearing report to include an assessment of the revised provisions as that would be contrary to Part 2 of Schedule 1 of the RMA.

- (b) Pursuant to sections 41B(1) and (2) of the RMA, the Applicant's expert evidence (evidence given by a professional with specialist qualifications and experience) is to be provided to the Council's Senior Hearings Advisor no later than midday, **Thursday 26 September 2024** and will be made available to the parties and on the Council's website no later than 5pm the same day.
 - (c) Should changes to the Plan Change be proposed by the Applicant, the evidence provided in (b) must include a s32AA report and reasons why any proposed changes are in scope.
 - (d) Pursuant to sections 41B(3) and (4) of the RMA, any submitter 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 Senior Hearings Advisor no

later than midday, **Monday 7 October 2024**. That evidence will be made available to the parties and on the Council's website no later than 5pm the same day.

- (e) Pursuant to section 42A of the RMA, the reporting planner shall provide an addendum section 42A hearing report (if required) to the Council's Senior Hearings Advisor no later than midday, **Wednesday 16 October 2024**, which will be made available to the parties and on the Council's website no later than 5.00 pm the same day.
- (f) Pursuant to sections 41B(1) and (2) of the RMA, any rebuttal evidence to be provided by the Applicant is to be provided to the Council's Senior Hearings Advisor no later than midday, **Friday 25 October 2024**, which will be made available to the parties and on the Council's website no later than 5pm the same day.
- (g) The hearing shall commence on **Monday 4 November 2024** and has been set down for five (5) days.

- 4. 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 Senior Hearings Advisor no later than midday, **Friday 25 October 2024**. These statements will be made available to the parties and on the Council's website no later than 5pm the same day.
- 5. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than midday, **Thursday 31 October 2024**. The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
- 6. The purpose of these Directions is to provide the opportunity for the Hearing Panel and the other parties to have read and considered any legal submissions, evidence or statements in advance of the hearing to assist in understanding the case being presented. As the Hearing Panel will have read all the pre-circulated material before the hearing, there will be no need for it to be read out. An executive summary may be read out or the key points highlighted.
- 7. Any enquiries regarding these Directions or related matters should be directed to the Council's Senior Hearings Advisor, Patrice Baillargeon, by email at patrice.baillargeon@aucklandcouncil.govt.nz.



Karyn Kurzeja, Chairperson
5 September 2024