

**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 #4 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.

**Expert Conferencing**

2. During the course of the hearing it became clear to the Hearing Panel that expert conferencing between the planners would be beneficial. The Hearing Panel accordingly directs expert conferencing pursuant to Clause 8AA of the First Schedule of the RMA.
3. The purpose of the expert conferencing will be for the parties' planning experts to identify, discuss and potentially resolve (or not) the points of difference between them in relation to the amended PC 93 precinct provisions. This will enable all parties to focus on matters that are in contention and may reduce the extent of matters that remain in dispute. The Council Reporting Planner, Mr David Wren is also directed to attend.
4. If any submitters have called planning experts and wish their planning expert to attend the expert conferencing, please note that the submitter is responsible for any costs of experts attending expert conferencing.
5. The Hearing Panel directs that conferencing is undertaken in accordance with the Environment Court Practice Note 2023 and in particular – Section 9 - Code of conduct for expert witnesses.
6. We are not intending on appointing an independent facilitator to arrange and facilitate the expert conferencing session, however, if the parties consider that an independent facilitator would assist with this process, please contact the Hearings Advisor, so that a facilitator can be arranged as soon as possible.

7. The Applicant is to liaise with the parties and hold the expert conferencing in a timely manner so that it does not delay the hearing that is scheduled to recommence on 4<sup>th</sup> December 2024. Further, the Applicant must provide the joint witness statement produced by the experts to the Hearings Advisor, for circulation to all parties prior to commencement of the hearing.

### **Water and Wastewater**

8. On 31<sup>st</sup> October 2024 the Hearing Panel received a memorandum from Counsel for Watercare Services Limited advising that Watercare is presently reassessing whether there is any available head room to enable PC 93 to be connected to the public network for both water and wastewater<sup>1</sup>.
9. The Hearing Panel notes that this work is focused solely on the PC 93 area, and does not encompass areas sought to be included by submitters, which are not in the notified plan change<sup>2</sup>.
10. A further update on this work, including the timing was provided by Mr Perera during the hearing on Wednesday 6<sup>th</sup> November. Mr Perera advised that Watercare would require an additional six weeks to undertake this assessment.
11. The Hearing Panel expressed concern with this timing given the urgency of this matter and directed Watercare to consider whether there could be an expedited completion for this assessment and to provide a further update on timing to the Panel on 8<sup>th</sup> November 2024.
12. A further memorandum has been received from Counsel<sup>3</sup> on 8<sup>th</sup> November 2024, which has advised that based on work undertaken to date and the required delegated approvals, Watercare is confident that the outcome of this reassessment will be available to share with the Applicants and the Hearing Panel by Friday 29<sup>th</sup> November 2024.<sup>4</sup>
13. The Hearing Panel therefore directs that Watercare provide a report to the Panel (with a copy to counsel for the Applicants) by close of business on 29<sup>th</sup> November 2024.

### **Site Visit**

14. All parties are advised that the Hearing Panel will be undertaking a site visit to the Karaka North Water and Wastewater Treatment Plant on 20<sup>th</sup> November 2024, ahead of the hearing resuming on 4<sup>th</sup> December 2024.

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<sup>1</sup> Memorandum from Counsel for Watercare Services Limited dated 31 October 2024, para 2.

<sup>2</sup> Ibid, para 3.

<sup>3</sup> Memorandum from Counsel for Watercare Services Limited dated 8 November 2024.

<sup>4</sup> Ibid, para 3.

### **Resource Consent Decision**

15. Prior to the commencement of the hearing, the Council Reporting Planner, Mr David Wren is directed to provide the Hearing Panel with a copy of the resource consent decision issued for the Warkworth Ridge development on Matakana Link Road, Warkworth which was referred to in the joint statement of Mr Sinton and Ms Barrett.
16. 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](mailto:patrice.baillargeon@aucklandcouncil.govt.nz).



Karyn Kurzeja, Chairperson  
8 November 2024