

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 #3 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 18 October 2024, the Hearing Panel received a memorandum filed on behalf of KA Waimanawa Limited Partnership and Stepping Towards Far Limited (Applicants) regarding the attendance of certain expert witnesses at the hearing on Plan Change 93¹. The memo stated²:

“Having read the expert submitter evidence and the Council’s section 42A Addendum Report, there are several issues that are not in contention between expert witnesses. In the interests of efficiency, counsel suggest that there are likely to be witnesses that the Panel does not need to hear from, subject to questions from the Panel, and are therefore not required to attend the hearing.

Provided that the Panel does not have questions for them, counsel request that the following Applicant witnesses be excused from attending the hearing:”

WITNESS	EXPERTISE
Kyle Meffan	Geotech
Andrew Williams and Caitlin Tonner	Sustainability
Craig Webb	Arboriculture
Glen Farley	Archaeology
Bevan Wilmshurst	Transport VKTs and Co2 Emissions
David O’Reilly	Contamination – eastern side
Jeff Davenport	Contamination – western side

¹ Memorandum of Counsel on behalf of KA Waimanawa Limited Partnership and Stepping Towards Far Limited regarding expert witness attendance at hearing, dated 18 October 2024.

² Ibid, paragraphs 2 and 3.

3. The Hearing Panel has read the application (and all associated material), the Section 42A report, the expert evidence of the applicant and submitters, as well as the Section 42A Addendum report. Having read that material, and pursuant to section 41C of the RMA, the Hearing Panel excuses those witnesses listed below from having to attend and present their evidence at the hearing - noting that there are no issues in contention between the relevant experts.
 - Kyle Meffan – Geotechnical
 - Andrew Williams and Caitlin Tonner – Sustainability
 - Craig Webb – Arboriculture
 - Glen Farley – Archaeology
 - Bevan Wilmshurst – Transport VKTs and Co2 Emissions
 - David O'Reilly – Contamination - eastern side
 - Jeff Davenport – Contamination – western side

4. 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
22 October 2024

Before an Independent Hearings Panel of Auckland Council

I Mua Ngā Kaikōmihana Motuhake o Tāmaki Makaurau

Under the Resource Management Act 1991 (**RMA**)

In the matter of Private Plan Change 93 (Warkworth South) to the Auckland Unitary Plan

**MEMORANDUM OF COUNSEL ON BEHALF OF KA WAIMANAWA LIMITED
PARTNERSHIP AND STEPPING TOWARDS FAR LIMITED REGARDING EXPERT
WITNESS ATTENDANCE AT HEARING**

18 October 2024



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MAY IT PLEASE THE PANEL

1. This memorandum is filed on behalf of KA Waimanawa Limited Partnership and Stepping Towards Far Limited (**Applicants**) regarding the attendance of certain expert witnesses at the hearing on Plan Change 93.
2. Having read the expert submitter evidence and the Council’s section 42A Addendum Report, there are several issues that are not in contention between expert witnesses. In the interests of efficiency, counsel suggest that there are likely to be witnesses that the Panel does not need to hear from, subject to questions from the Panel, and are therefore not required to attend the hearing.
3. Provided that the Panel does not have questions for them, counsel request that the following Applicant witnesses be excused from attending the hearing:

WITNESS	EXPERTISE
Kyle Meffan	Geotech
Andrew Williams and Caitlin Tonner	Sustainability
Craig Webb	Arboriculture
Glen Farley	Archaeology
Bevan Wilmshurst	Transport VKTs and Co2 Emissions
David O’Reilly	Contamination – eastern side
Jeff Davenport	Contamination – western side

4. Should the Panel have questions for Mr Williams and Ms Tonner, counsel request that these experts be given leave to present their evidence via AVL, due to being based in Australia.
5. Counsel therefore respectfully seek directions that:
 - (a) the above listed witnesses be excused from attending the hearing; and

- (b) should the Panel have questions for Mr Williams and Ms Tonner, that these witnesses be given leave to present their evidence via AVL.

DATED at Auckland this 18th day of October 2023

A handwritten signature in blue ink, appearing to be 'WST' followed by a stylized flourish.

Bill Loutit / Rachel Abraham / Lydia Chai
Counsel for **KA Waimanawa Limited**
Partnership And Stepping Towards Far
Limited