

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

AND

IN THE MATTER **Private Plan Change 99 – 13 Cresta Avenue & 96 Beach Haven Road, Beach Haven to the Auckland Unitary Plan – Operative in Part (AUP)**

HEARING DIRECTION #3 FROM THE HEARING PANEL – EXPERT CONFERENCING - PLAN CHANGE 99

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), Peter Kensington and Cherie Lane. 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. In the executive summary of her Statement of Evidence, Ms Rachel Morgan stated:

“Following the close of submissions, I have met with the Council (as submitter) to discuss the relief sought in their submission and potential amendments to the Beach Haven Precinct provisions to address the matters they raise. I understand that the Council (as submitter) has engaged their own stormwater expert and has been liaising with Watercare regarding the amendments we discussed. The amendments I have discussed with the Council (as submitter) are similar to that put forward by the Council’s Reporting Planner, Jo Hart, although differ in drafting and implementation. As I explain below, I agree that infrastructure capacity and servicing is an appropriate matter to address in the precinct. For this reason, in my view, it would be beneficial to discuss the amended provisions with both Ms Hart and the planner for Council (as submitter) with the purpose of narrowing and ideally resolving remaining points of difference. I understand from Ms Hart that this could occur via expert conferencing if directed by the Hearings Panel.”¹
3. We agree that expert conferencing would be beneficial. The Hearing Panel accordingly directs expert conferencing pursuant to Clause 8AA of the First Schedule of the RMA.
4. The purpose of the expert conferencing will be for the parties’ planning experts to identify, discuss and potentially resolve (or not) the remaining points of difference between them in relation to the amended PC 99 precinct provisions. This may enable all parties to focus on matters that remain in contention. The Council Reporting Planner, Ms Jo Hart is also directed to attend.

¹ Ms Morgan’s Statement of Evidence, paragraph 1.5

5. Further, if any submitters are calling planning experts and wish their planning expert to attend the expert conferencing, please contact the Hearings Advisor by email below, as soon as possible, so that the planning experts can also attend the expert conferencing session. Please note that the submitter is responsible for any costs of experts attending expert conferencing.
6. 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.
7. 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.
8. 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 commence on 12 September 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.
9. Any enquiries regarding these Directions or related matters should be directed to the Council's Hearings Advisor, Bevan Donovan, by email at bevan.donovan@aucklandcouncil.govt.nz.



Karyn Kurzeja, Chairperson
26 August 2024