

**IN THE MATTER OF**

the Resource Management Act 1991 (the 'RMA')

**AND**

**IN THE MATTER OF**

Two Notices of Requirement (NoR) for the Takaanini Level Crossing project and four Notices of Requirement for the South Frequent Transit Network project by Te Tupu Ngātahi – Supporting Growth Alliance (Te Tupu Ngātahi)

**DIRECTION #3 OF THE HEARING PANEL – HEARING PROCESSES**

1. Pursuant to sections 34 and 34A of the RMA, Auckland Council (the Council) has appointed a Hearing Panel consisting of three independent hearing commissioners – Dave Serjeant (Chair), Nigel Mark-Brown and Basil Morrison. The Hearing Panel's function is to hear the applications and submissions and make recommendations to the Requiring Authority on the six Notices of Requirement (NoR). It is also to deal with any procedural matters.
2. The hearing is to commence on Monday 27 May 2024 and a hearing schedule for appearances has been organised by the Hearing Advisor with input from parties and notified on the Council website.
3. The Hearing Panel has been in receipt of a very large amount of information including application details, submissions, Council reporting and evidence. In order for the Hearing Panel to obtain the greatest understanding of that information, the matters that have been resolved or agreed, and the matters that remain not resolved or agreed and the reasons for that lack of resolution or disagreement, the Hearing Panel ask that the parties adopt the following approaches and practices to their presentations.

Requiring Authority and Submitter Expert Witnesses

4. We ask that expert witnesses prepare a summary statement of 2-3 pages which focuses on the matter(s) that remain not resolved or agreed, their current position and the reasons for that. If the witness has attended expert conferencing on the matter, then the joint witness statement could be usefully referred to. The summary statement is now a common approach in hearings of this nature, so we do not expect that the request comes as a surprise. If the production of an additional statement is considered onerous, then the witness is, in the alternative, invited to summarise their evidence with a focus on matters outstanding.

Council Experts

5. We ask that each of the Council section 42A contributors attend (preferably in-room) at the time that their respective Requiring Authority witness(es) are presenting. It is our intention to

obtain the Council response to outstanding matters, including proposed conditions, earlier in the hearing, to generate additional opportunities for enquiry and potential resolution.

6. The Hearing Panel are currently considering whether there are any witnesses for the Requiring Authority or Council that can be excused attendance at the hearing or be on-call. The reason for this is that the Panel considers that there are some matters within the evidence or reporting that do not require additional consideration in the hearing.

#### Submitters' Legal Submissions

7. The Hearing Panel requests that submitters' legal submissions are provided to the Hearings Advisor by midday on the working day prior to their scheduled presentation. As with the expert evidence, prior reading of legal submissions by the Hearing Panel enables it to better engage with the material presented. This is particularly for submissions referring to case law.

#### Submitters' Presentations (non-expert)

8. Submitters' presentations to the Hearing Panel are very important to gain the best understanding of submitter concerns. It is the Hearing Panel's experience that such submissions can convey considerable understanding of the local environment and circumstances. Acknowledging that we have read the submissions lodged, we ask that any new or additional material being presented on the day is either limited to 2-3 pages or is provided to the Hearings Advisor by midday on the working day prior to the scheduled presentation. The Hearing Panel's preference is for submitters and their witnesses to appear in person, with those unable to do so being able to attend remotely via MS-Teams.

#### Property Access Submissions Subject to Expert Conferencing

9. Several submissions were subject to expert conferencing in relation to property access matters. We ask that the witnesses (particularly transport witnesses) involved in the expert conferencing be in attendance at the scheduled time of the submission.
10. This Direction is to be circulated to all the parties to the hearing by the Hearings Advisor, Mr Bevan Donovan.
11. Any correspondence relating to this Direction and related matters should be sent to the Hearings Advisor, Mr Donovan via [bevan.donovan@aucklandcouncil.govt.nz](mailto:bevan.donovan@aucklandcouncil.govt.nz)



Dave Serjeant (Chair)  
for the Hearing Panel

21 May 2024