

IN THE MATTER

of the Resource Management Act 1991 (*RMA*)

AND

IN THE MATTER

of **Plan Change 34** to the Auckland Unitary Plan

DIRECTIONS FROM THE HEARING PANEL

1. Pursuant to section 34A of the RMA, Auckland Council (*the Council*) has appointed independent hearing commissioners (as the Hearing Panel) consisting of **Mr Greg Hill** (Chairperson), **Ms Cherie Lane**, and **Mr Richard Knott** to hear and determine submissions to Plan Change 34 to the Auckland Unitary Plan.
2. Plan Change 34 seeks to: **Amend Schedule 15 to add a special character statement for the existing Howick Business special character area. It also seeks to amend the GIS viewer / planning maps to add four new sites to this special character area.**
3. The hearing has been set down for two days commencing on the **27 May 2020** with the **28 May 2020** being set aside as a back up should it be required.
4. These Directions have been drafted during the Covid -19 Alert Level 4 period, when hearings at a physical venue have not been possible. If it is possible, a hearing will be held on the 27 May 2020 (and on the 28 May if necessary) in the Auckland Town Hall. If a hearing in the Town Hall is not possible at this time, an alternative (virtual) hearing may be able to be arranged. If this is the case another Direction or Minute will be issued. However, irrespective of the hearing venue or format, the following Directions will apply.
5. In terms of procedural matters, section 41B of the RMA provides that the Council may direct that evidence from any expert be provided to the parties before the hearing and section 42A RMA provides that the Council may require a report on the matters to be considered be provided prior to the hearing.
6. The Hearing Panel has considered whether any directions are appropriate under either or both of sections 41B and 42A.
7. The Hearing Panel is aware that a section 42A report is currently under preparation by the Council.
8. Accordingly, the Hearing Panel directs as follows:
 - (a) Pursuant to section 42A RMA, that the section 42A report be made available to the Hearings' Advisor by midday, **24 April 2020**.

- (b) That the section 42A report be posted on Council's website as soon as possible after receipt, but in any event no later than 5pm, **28 April 2020**.
 - (c) Pursuant to sections 41B(3) and (4), that if any person who has made a submission intends to call expert evidence at the hearing (generally being evidence given by a professional with specialist qualifications and experience) then that party is to provide that evidence to the Hearings' Advisor by 5pm, **13 May 2020**.
 - (d) That the submitters' expert evidence be posted on Council's website as soon as possible after receipt but in any event, no later than 5pm, **14 May 2020**.
 - (e) Pursuant to section 42A RMA, the Council may, in response to the expert evidence provided by submitters, provide an updated set of plan provisions (track changes) as an addendum to the Section 42A report by **midday** on the **20 May 2020**, with any supporting commentary or rebuttal evidence as needed.
 - (f) That the Council's addendum to the section 42A report be posted on Council's website as soon as possible after receipt but in any event, no later than 5pm, **20 May 2020**.
9. The Directions do not apply to non-expert evidence, or evidence to be presented by submitters who are "non-experts" (persons who do not provide expert evidence at these types of proceedings). While any statements do not need to be pre-circulated it is requested that they be provided no later than the **20 May 2020**.
10. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably at least three (3) working days prior to the hearing. Both the Hearing Panel and submitters will be assisted if the Panel is able to pre-read legal submissions.
11. The purpose of these Directions is to provide the opportunity for the Commissioners and for the parties to read and consider any legal submissions, evidence or statements in advance of the hearing to assist all parties in understanding that evidence. As the Commissioners will have read all pre-circulated material before the hearing, there will be no need for them to be read out. An executive summary or the highlighting of key points maybe read out.
12. For further information on the format of evidence required please refer to the notification letter attached.

Any enquiries regarding these Directions or related matters should be directed to Mr Bevan Donovan, Hearings Advisor by email at bevan.donovan@aucklandcouncil.govt.nz



Greg Hill Chairperson
17 April 2020