

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

**AND**

**IN THE MATTER** of **Private Plan Change 85** – 48 Esmonde Road,  
Takapuna to the Auckland Unitary Plan

#### **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 – Peter Reaburn (Chairperson), Lisa Mein and Mark Farnsworth. 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. Plan Change 85, in summary, aims to rezone the land around the coastal edge of 48 Esmonde Road, Takapuna to Open Space – Conservation Zone, but retain the existing Residential – Terrace Housing and Apartment Building Zone for the remainder of the land. PC85 also introduces the Takapuna 2 Precinct, which contains site specific development provisions for the land at 48 Esmonde Road, into the Auckland Unitary Plan.
3. The hearing panel set out the evidence exchange timetable in Direction #2 dated 9 February 2023. The s42A report was released on Wednesday 5 April 2023 and the applicant’s evidence was received in full on Monday 17 April 2023, one day late. As a result, the submitters’ expert evidence due date was moved to Monday 24 April 2023.
4. In the s42A report, the reporting planner outlined matters the applicant needed to address in their evidence. The hearing panel has been subsequently advised that, on reviewing the applicants evidence, the reporting planner still has some concerns, particularly around coastal hazards and the open space precinct provisions.
5. The hearing panel considers it would be beneficial for all parties to understand the council’s amended position ahead of the hearing. Therefore, the panel is amending the evidence exchange timetable and issues the following directions:
  - (a) Pursuant to sections 41B(3) and (4) of the RMA, any submitter who intends to call expert evidence at the hearing (evidence given by a professional with specialist qualifications and experience) is to provide that evidence to the Council’s Senior Hearings Advisor no later than **midday, Monday, 24 April 2023** and will be made available to the parties and on the Council’s website no later than 5.00 pm the same day.

- (b) The council reporting planner will provide an updated s42A report no later than **midday, Friday, 28 April 2023** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day.
  - (c) The applicant shall provide any rebuttal by way of supplementary statements at the hearing, commencing Tuesday 2 May 2023. Submitters can also respond to the updated s42A report at the hearing.
6. 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).



Peter Reaburn  
Chairperson  
20 April 2023