

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

**AND**

**IN THE MATTER** of **Private Plan Change 90** – 8 Sparky Road, Otara to the Auckland Unitary Plan

**HEARING DIRECTION #2 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), Kim Hardy and James Whetu. 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 Thursday 17 August 2023 the hearing panel directed the applicant to file a memorandum outlining what, if any, changes they recommend to the proposal and outline which changes are in response to which submissions. The Applicant filed the memorandum on Thursday 24 August 2023. Both documents are attached to this Direction.
3. The Hearing Panel has considered the Applicant's memorandum and accordingly directs the following:

- (a) Pursuant to section 42A of the RMA, the S42A hearing report is to be with the Council's Hearings Advisor, Sidra Khan, by **9am on Thursday 21 September 2023** and shall be released to all parties no later than **5pm on Monday 25 September 2023**.

The Hearing Panel is not able to direct the section 42A hearing report to include an assessment of the revised provisions as that would be contrary to Part 2 of Schedule 1 of the RMA.

- (b) Pursuant to sections 41B(1) and (2) of the RMA, the Applicant's expert evidence (evidence given by a professional with specialist qualifications and experience) is to be provided to the Council's Hearings Advisor no later than midday, **Monday 2 October 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) Should changes to the Plan Change be proposed by the applicant the evidence provided in (b) must include a S32AA report and reasons why any proposed changes are within scope.
- (d) 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 Hearings Advisor no later than **midday, Monday 9 October 2023** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day.

- (e) Pursuant to section 42A of the RMA, the reporting planner shall provide an addendum S42A hearing report to the Council's Hearings Advisor no later than **midday, Monday 16 October 2023** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day
  - (f) Pursuant to sections 41B(1) and (2) of the RMA, any rebuttal evidence to be provided by the Applicant is to be provided to the Council's Hearings Advisor no later than **midday, Thursday 19 October 2023** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day
  - (g) The hearing shall commence on **Tuesday 24 October 2023** and has been set down for 2 days, with 1 overflow day.
4. While these Directions do not apply to lay or non-expert statements/evidence, the Hearing Panel would appreciate any written statements to be presented at the hearing by submitters to be provided to the Council's Hearings Advisor no later than **midday, Thursday 19 October 2023** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day
  5. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than **midday, Thursday 19 October 2023**. The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
  6. The purpose of these Directions is to provide the opportunity for the Hearing Panel and the other parties to have read and considered any legal submissions, evidence or statements in advance of the hearing to assist in understanding the case being presented. As the Hearing Panel will have read all the pre-circulated material before the hearing, there will be no need for it to be read out. An executive summary may be read out or the key points highlighted.
  7. Any enquiries regarding these Directions or related matters should be directed to the Council's Hearings Advisor, Sidra Khan, by email at [sidra.khan@aucklandcouncil.govt.nz](mailto:sidra.khan@aucklandcouncil.govt.nz).



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Peter Reaburn, Chairperson  
Friday 15 September 2023