

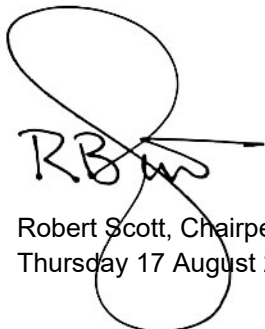
IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of **Private Plan Change 91** – 80 McLarin Road, Glenbrook
Beach to the Auckland Unitary Plan

HEARING DIRECTION #1 FROM THE HEARING PANEL

1. Pursuant to section 34A of the RMA, Auckland Council (the Council) has appointed the chair of the Hearing Panel– Robert Scott (Chairperson). The hearing panel members will be appointed shortly. 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 91, in summary, aims to
 - (a) Rezone from Future Urban Zone to Residential – Mixed Housing Suburban
 - (b) Add new precinct, the Glenbrook 4 Precinct, aiming to guide future subdivision and development in the plan change area
 - (c) Apply the Stormwater Management Area Flow 1 Overlay over whole plan change area.
3. Before the hearing timetable is set down, the Chair directs 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. This memorandum should be lodged with the Council’s Hearings Advisor, Sidra Khan, by 5pm, Friday 25 August 2023.
4. The reason for this is, in accordance with Part 2 of Schedule 1 of the RMA, any modifications to the plan change application must be made prior to the Local Authority considering the request under S25 of Schedule 1. As this private plan change has already been notified, the S42A report will be based on the private plan change as notified. The chair, in setting the hearing timetable, will take into consideration the extent of any proposed changes to ensure all parties have sufficient time to prepare for the hearing.
5. 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.



Robert Scott, Chairperson
Thursday 17 August 2023

BEFORE THE INDEPENDENT HEARINGS PANEL

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

A N D

IN THE MATTER of an application for Private Plan Change 91 to the Auckland Unitary Plan (Operative in Part) at 80 McLarin Road, Glenbrook Beach from Future Urban Zone to Residential – Mixed Housing Suburban Zone, to apply the Glenbrook 4 Precinct and to apply the Stormwater Management Area Flow 1 overlay

**MEMORANDUM OF COUNSEL FOR THE APPLICANT IN RESPONSE TO
HEARING PANEL DIRECTION NUMBER 1**

25 August 2023

**ELLIS GOULD
LAWYERS
AUCKLAND**

REF: D J Sadlier

**Level 31 Vero Centre
48 Shortland Street, Auckland
Tel: 09 307 2172
PO Box 1509
DX CP22003
AUCKLAND**

MAY IT PLEASE THE HEARINGS PANEL

1. The Hearing Panel's Direction Number 1, dated 17 August 2023, directed the Applicant to file a memorandum outlining what, if any, changes it recommends to Plan Change 91 to the Auckland Unitary Plan (Operative in Part) ("PC91") and to outline which changes are in response to which submissions. This memorandum responds to the Hearing Panel's Direction Number 1.
2. The Applicant confirms that it does not, at this time, recommend any changes to PC91 as notified. Its preference is to first receive and review the Auckland Council Reporting Planner's Section 42A Report and recommendation to the Hearing Panel, which will include a comprehensive assessment of PC91 as notified and submissions received in relation to it. Any changes recommended by the Applicant to PC91 will then be addressed in its Evidence in Chief, which all submitters will then have an opportunity to respond to in evidence and at the hearing.
3. By cover email from Council's hearing advisor, the Applicant was also asked to provide an indication of availability for a hearing. Counsel has liaised with the Applicant's team of expert witnesses, and can confirm that it would be available for a two-day (estimated) hearing on the following dates in late 2023:
 - a) 15 and 16 November 2023.
 - b) 20-23 November 2023.
 - c) 4 and 5 December 2023.
4. Should none of these dates be suitable for the Council or Hearing Panel, the Applicant will liaise with its team to identify alternative dates in early 2024.

DATED this 25th day of August 2023



Daniel Sadlier

Counsel for HD Project 2 Limited