

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

AND

IN THE MATTER of **Private Plan Change 108 Crestview Rise** 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 the Hearing Panel – Richard Blakey (Chairperson), Vaughan Smith and Helen Mellsop. The Hearing Panel's function is to hear the application and submissions and make a decision on the Plan Change proposal by Harbour View Heights Limited Partnership (**Applicant**), 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 12 June 2025 the Applicant filed a memorandum advising of the completion of the joint witness conferencing (per Direction 3) and that all outstanding issues as between the Applicant and the Council have been resolved. The memorandum noted that no submitters have advised that they wish to be heard, and that, subject to any question from the Panel, the hearing could be held online or proceed on the papers. It further advises that the Applicant would be happy to receive and respond to written questions in advance of the scheduled hearing date, and that Applicant's counsel would be happy to attend a pre-hearing conference online at the Panel's convenience.
3. The Panel notes that the Papakura Local Board (**Local Board**) had indicated that they wished to attend the hearing. However, we record that in accordance with clause 8.3 of the Council's Regulatory and Safety Committee Policy 2023, a hearing is not required if it is only the local board that wishes to speak. Nevertheless, and following the Applicant's recent direct correspondence with the Local Board, the Local Board has advised the Council's Hearing Advisor that they do not wish to "*force a hearing*" as the only submitter and notes that, "*it appears Auckland Council and Auckland Transport are happy with the answers addressing the board's concerns*".¹
4. The Panel has also been advised that as of today, the Council has not received notice from any submitter that wishes to be heard. Accordingly, the Panel is satisfied that an in-person hearing is not required.
5. The Panel has reviewed the Plan Change application, the Council's reports, the Applicant's evidence and the Joint Witness Statements, and has now undertaken its site visit. The Panel advises that it has some questions for the Applicant and/or the Council but considers that these can be addressed through an online hearing. It is the Panel's preference for these matters to be canvassed in this manner rather than through provision of, and response to, written questions.

¹ Email dated 13 June 2025

6. To assist the efficient conduct of, and preparation for, the hearing, the Panel can indicate the matters in which it will be seeking clarification from the Applicant and/or Council witnesses as follows:

- (a) The I.XXX.6.7(1) in respect of Wastewater: This clause requires that development and subdivision within the Precinct must either:²
 - (a) *Be connected to publicly available reticulated wastewater networks with sufficient capacity to service the proposed development and/or subdivision; or*
 - (b) *Be supported by written confirmation from the infrastructure service provider for the area that planned capital works required to provide connections for wastewater are suitably advanced and capable of servicing the proposed subdivision and development.*


Non-compliance with this standard requires consent as a discretionary activity, per I.XXX.4.1(A8) and (A18).

The Panel has some concern that this approach is less stringent than other recent and comparable plan change requirements, such as those within I453 Pukekohe East-Central Precinct at I453.4.1(A9) and Rule I453.6.5.6, and I459 Pukekohe East-Central 2 Precinct at I459.4.1(A8) and Rule I459.6.4.4.

- (b) Proposed Rule I.XXX.6.1 (Landscaped Buffer etc): This rule requires landscaping to be “*in general accordance with the Crestview Rise [I.XXX] Precinct Plan*”. The Panel queries whether the Precinct Plan provides sufficient detail to be used as a reference document, noting that this plan simply identifies a “*Landscape, Buffer, Ridgeline & Bush Planting Protection Area*”. In particular, and notwithstanding the Special Information Requirements at I.XXX.9(1), the Panel considers that the Precinct Plan (or a further separate plan) should include reference to the more specific details provided at Appendix A to the evidence of James Paxton. This is in order to provide a greater level of confidence as to the nature of landscape planting and pest management that is anticipated within the respective landscape areas.
- (c) The Panel will also seek clarification as to the expectations for the landscape buffer area and the density of proposed planting for the existing bush area.
- (d) In terms of I.XXX.6.1(2) and (3), the Panel seeks clarification as to who would be responsible for the ownership and maintenance of the abovementioned landscape areas (on the understanding that future residential lots would be separate from the existing parent lots in which the landscape area is located, per the Engineering/Concept Design plans).

² JWS version, 11 June 2025

- (e) Similar to (d) above, the Panel also seeks clarification as to ongoing ownership and maintenance of the stormwater ponds and the centralised stormwater bioretention devices (raingardens).
7. The hearing will proceed in the usual manner (and the Local Board may wish to attend notwithstanding their recent advice of 13 June 2025). In terms of attendances for the Applicant and the Council, the Panel anticipates that it will only need to hear from their respective planning and landscape witnesses, as well as the Applicant's counsel. However, additional specialists or officers may also attend should either party consider that this would be of assistance to the Panel.
8. It is therefore directed that representatives for the Applicant and the Council advise the Council's Hearings Advisor, Chayla Walker, of the proposed witnesses and counsel who will be attending the hearing by **12pm Wednesday 19 June 2025**. Ms Walker will then provide an invitation and MS-Teams link for the hearing shortly thereafter.
9. Advice of any additional persons, and any submitters who wish to attend the online hearing, should be provided to Ms Walker as soon as possible, and no later than **4pm Thursday 19 June 2025**.
10. Any enquiries regarding these Directions or related matters should be directed to Ms Walker, by email at chayla.walker@aucklandcouncil.govt.nz.



Richard Blakey, Chairperson
Date: 17 June 2025