

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

**AND**

**IN THE MATTER** of **Private Plan Change Private Plan Change 70: 751 and 787 Kaipara Coast Highway, Kaukapakapa** 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 two independent hearing commissioners – Janine Bell (Chairperson), and Peter Reaburn. 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.
2. On 2 June 2022 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 15 June 2022. Both documents are attached to this Direction.
3. The hearing panel have considered the applicants 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, Bevan Donovan by 9am on Friday 1 July 2022 and shall be released to all parties no later than 5pm on Friday 1 July 2022.

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, Friday 8 July 2022 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 in 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, Friday 15 July 2022 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 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, Wednesday 20 July 2022 and will be made available to the parties and on the Council's website no later than 5.00 pm the same day.
  - (f) The hearing shall commence on Monday 25 July 2022 and has been set down for one 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, Wednesday 20 July 2022 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, Wednesday 20 July 2022. 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 maybe 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, Bevan Donovan, by email at [bevan.donovan@aucklandcouncil.govt.nz](mailto:bevan.donovan@aucklandcouncil.govt.nz)

A handwritten signature in blue ink that reads "Janine Bell". The signature is stylized, with a large loop for the letter 'J' and a horizontal line underlining the name.

Janine Bell, Chairperson  
17 June 2022

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

**AND**

**IN THE MATTER** of **Private Plan Change 70** – 751 and 787 Kaipara Coast Highway, Kaukapakapa 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– Janine Bell (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.
2. Plan Change 70, in summary, aims to:
  - (a) Rezone 751 and 787 Kaipara Coast Highway, Kaukapakapa from Rural Countryside Living to Residential – Rural and Coastal Settlement
  - (b) Remove the Subdivision Variation Control on the subject sites.
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, Bevan Donovan, by **5pm, 16 June 2022**.
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, Bevan Donovan, by email at [bevan.donovan@aucklandcouncil.govt.nz](mailto:bevan.donovan@aucklandcouncil.govt.nz).

A handwritten signature in blue ink that reads "Janine Bell". The signature is stylized, with a large loop for the letter 'J' and a horizontal line underlining the name.

**Janine Bell, Chairperson**  
**02 June 2022**

15 June 2022

Auckland Council  
Private Bag 92300  
Victoria Street West  
AUCKLAND 1142



Attention: Bevan Donovan and Jo Hart

Dear Bevan and Jo,

Further to your email Bevan, received 2 June 2022 this letter is to advise that Riverview Properties Limited provides this letter as a Memorandum confirming that there are no changes proposed to Plan Change 70 in response to submissions and further submissions.

Riverview Properties has engaged with submitters and Heritage New Zealand, Pouhere Toanga, have advised by way of email dated 13<sup>th</sup> May 2022, that they do not wish to be heard at a hearing. A copy of that email is attached for your records.

Fire and Emergency NZ has also confirmed that the matters raised in their submission have been addressed.

We have been engaging with Auckland Transport and Waka Kotahi regarding the remaining issue of connectivity. Any outcomes in relation to connectivity do not affect the Plan Change as sought.

Therefore, please proceed with the Plan Change Request as lodged. This simply seeks rezoning of the land at 751 and 787 Kaipara Coast Highway from Rural – Countryside Living to Residential – Rural and Coastal Settlement.

We look forward to receiving the s42A report in due course.

Yours sincerely



Burnette O'Connor  
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