

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

AND

IN THE MATTER of **Private Plan Change 84** – Omaha South Precinct 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 commissioner– Richard Blakey and David Wren (Chairperson). 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 27 February 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 03 March 2023. Both documents are attached to this Direction.
3. The hearing panel have 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, Yasmine Ali by **9am on Wednesday 15 March 2023** and shall be released to all parties no later than **5pm on Friday 17 March 2023**.
 - (b) Pursuant to sections 41B(1) and (2) of the RMA, the Applicant’s expert evidence (any 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 24 March 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 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 31 March 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 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 5 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.
 - (f) The hearing shall commence on **Wednesday 12 April 2023** 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 5 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.
 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 5 April 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 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, Yasmine Ali, by email at yasmine.ali@aucklandcouncil.govt.nz



David Wren,
Chairperson
6 March 2023

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

AND

IN THE MATTER of **Private Plan Change 84** – Omaha South Precinct 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 – David Wren (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. This private plan change aims to modify the Omaha South Precinct (I528), by including a diagram from the legacy district plan setting outside/rear yards specific to Omaha South, and to make other wording changes to make it clear that the Precinct standards replace the standards of the underlying zones and subdivision chapter but retain the Home Occupation standards of the underlying zones.
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, Yasmine Ali, by 5pm, Monday 06 March 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, Yasmine Ali, by email at yasmine.ali@aucklandcouncil.govt.nz.



David Wren, Chairperson
27 February 2023



DATE: 3 March 2023
SUBJECT: Private Plan Change 84 – Omaha South Precinct to the Auckland Unitary Plan

Dear Hearings Panel,

On behalf of the applicant, we confirm no changes are proposed in response to submissions for the following reasons.

- One submission was received in opposition to the Private Plan Change.
- Eleven submissions were received in support of the Privacy Plan Change.

In response to the one submission received in opposition to the Private Plan Change the following comments are noted.

The proposed plan change aligns the Omaha South Precinct provisions with the original intent and application of the legacy Rodney District Plan, upon which the Omaha South Residents Society rules for development are based.

The proposed plan change will therefore maintain the established built form, amenity and special character of Omaha South.

The current application of the yard setback rules differs from the longstanding pattern of development within the Omaha South Precinct. It does not allow for a practical building platform on many rear sites and precludes development on some rear sites.

If this submission is accepted, it will prevent the reasonable use of many sites within Omaha South Precinct. It is also noted that the yard standards must be applied consistently across all sites within the Precinct, and any future development is in a context where the existing development has occurred in accordance with the legacy provisions.

In response to the eleven submissions received in support of the Private Plan Change, it is considered that:

- The proposed amendment will align the Precinct provisions with the original intent and application of the legacy Rodney District Plan development controls. These development controls, particularly the legacy district plan yard development controls, have determined the pattern of development in Omaha South.
- The proposed amendment will assist to ensure that the established character of development in Omaha South is maintained. The majority of residential dwellings established in Omaha South have been established under the legacy Rodney District Plan provisions.
- The proposed amendment will assist in maintaining the established standard of residential amenity for Omaha South.
- The proposed amendment will enable the practical development of rear sites.

- The proposed amendment will retain the established form and typology of buildings within Omaha South.
- The proposed amendment avoids unnecessary resource consent applications having to be made to depart from the inappropriate yard rules currently applying to rear sites.
- The proposed amendment clarifies that a number of rules in the underlying zones should not apply to activities in the Omaha South Precinct and instead just the Precinct rules should apply.

Kind regards



Michael Campbell
Director / BREP (Hons) / MNZPI
Campbell Brown Planning Limited