

**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 #6 FROM THE HEARING PANEL**

1. Pursuant to section 34A of the RMA, Auckland Council (the Council) has appointed a Hearing Panel (the Panel) consisting of three independent hearing commissioners – Peter Reaburn (Chairperson), Lee Beattie and James Whetu. The 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. The Panel has been alerted by Council staff of a legal issue with the plan change provisions as currently proposed. s77G(1) of the RMA makes it mandatory that, unless a s77I qualifying matter applies, every relevant residential zone must have the Medium Density Residential Standards (**MDRS**) incorporated into that zone. This includes application of the THAB zone being sought by PC90. As PC90 was lodged after PC78 was publicly notified, it cannot be varied for the purpose of incorporating the MDRS.
3. The Applicant is directed to address the issue that has been identified by amending the proposed precinct provisions as required to incorporate the MDRS so that the Hearing Panel is able to make a decision on PC90 in accordance with clause 29(4) of Schedule 1 of the RMA.
4. In view of the short time now available before the hearing commences on 25 March 2024 the Panel will allow this matter to be addressed in its opening submissions. However, the Applicant is encouraged to liaise with the Council in the interim in relation the form the required amendments should take.
5. Any enquiries regarding these Directions or related matters should be directed to the Council’s Hearings Advisor, Chayla Walker, by email at: [Chayla.walker@aucklandcouncil.govt.nz](mailto:Chayla.walker@aucklandcouncil.govt.nz).



Peter Reaburn, Chairperson  
19 March 2024