

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 #7 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 hearing was conducted on 25 and 26 March 2024. At the conclusion of the hearing the Panel requested the Applicant, in consultation with the Council advisors, to consider matters relating to further amendments to the provisions that were raised up to and at the hearing. The request was that a fresh set of provisions be provided, and that the information include details of any differences between the applicant and Council. The requested information on provisions was not an indication of the Panel’s position on the overall merits of the plan change, which has yet to be determined.
3. No firm date was set for the provision of the requested information, however the Applicant advised that three weeks should be sufficient, i.e. approximately 16 April 2024.
4. On 17 April 2024 the Panel was provided with a memorandum from the Applicant’s counsel requesting further time for dialogue between the Applicant and the Council to refine the provisions. The Panel agreed to the requested extension, to 23 April 2024.
5. On 23 April 2024 the Panel was provided with a further memorandum from the Applicant’s counsel. The memorandum advised that a revised set of Precinct provisions had been provided to the Council on Tuesday, 16 April 2024. The Applicant requested a meeting with the Council to discuss the incorporation of the Medium Density Residential Standards (MDRS). A meeting was arranged, however on 18 April 2024, Council advised that it required additional time to consider the refined provisions. The memorandum records that the Applicant was advised by Council that it would confirm a timetable on Monday, 22 April 2024. On 22 April 2024 Council advised that, while Council was available to discuss certain aspects of the Precinct provisions, the issue of the incorporation of the MDRS into PC 90 had been deferred to the Council’s legal team who would be in direct contact to discuss the matter. A timetable was not provided.
6. In light of the above, and the assumption that the Panel has an expectation that the closing matters are addressed in an efficient and timely manner, the Applicant has

requested that the Panel proceed with its consideration and decision of the plan change request. A reply has been provided, together with a revised set of Precinct provisions.

7. The Applicant is correct that the Panel wishes the hearings and decision-making process to be conducted in an efficient and timely manner. The Panel also acknowledges that the Applicant has at all times responded efficiently and appropriately to the provisions issues that have been raised. However, the Panel has expected that there will be comments from the Council on the provisions. As indicated at the hearing the Panel is particularly concerned about receiving Council comment on the method by which the MDRS should most appropriately be incorporated into the provisions. Accordingly, the Panel will give a limited further opportunity for Council to provide comment on the provisions.
8. The Panel directs that any Council comments on the plan change provisions as attached to the Applicant's reply dated 23 April 2024 be provided to the Panel by **5pm on Friday 3 May 2024**. Should comments be received the Applicant is provided with a further opportunity to respond to those comments, by **5pm on Wednesday 8 May 2024**.
9. 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.



Peter Reaburn, Chairperson
26 April 2024