

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

**AND**

**IN THE MATTER** of **Private Plan Change 90** – 8 Sparky Road, Ōtara 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 – Peter Reaburn (Chairperson). Other 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. Plan Change 90, in summary, seeks to rezone approximately 4.4 hectares of land on the north-western side of Highbrook Drive at 8 Sparky Road, Ōtara, from Business – Light Industry to Residential – Terrace Housing and Apartment Building zone. The proposed private plan change also seeks to introduce a Highbrook Precinct applying to the rezoned land.
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, Sidra Khan, by **5pm, Thursday 24 August 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 Chairperson, 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, Sidra Khan, by email at [sidra.khan@aucklandcouncil.govt.nz](mailto:sidra.khan@aucklandcouncil.govt.nz).



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Peter Reaburn, Chairperson  
Thursday 17 August 2023

**UNDER**

the Resource Management Act 1991 ("RMA" or "the Act")

**AND**

**IN THE MATTER**

of Plan Change 90 to **AUCKLAND COUNCIL** by **HIGHBROOK LIVING LIMITED** pursuant to Clause 21 of Schedule 1 of the Act to change the Auckland Unitary Plan to rezone land at 8 Sparky Road, Ōtara

**MEMORANDUM OF COUNSEL FOR Highbrook Living Limited**

1. This memorandum is filed on behalf of Highbrook Living Limited ("HLL"), the proponent of Plan Change 90 ("PC 90") to the Auckland Unitary Plan.
2. We refer to Direction 1, which directs HLL to outline what, if any, changes it recommends to the proposal and what changes are in response to what submissions, by 5pm on Thursday, 24 August 2023.
3. Since PC 90 was notified and submissions received, HLL has been working constructively with submitters with the aim of resolving the issues raised in submissions.
4. As a result of those discussions, HLL has determined that no changes to the extent of the plan change area or the proposed zoning are necessary. Some minor changes to the proposed precinct provisions are, however, considered appropriate to address some matters raised by the submitters.
5. The potential changes to the Highbrook Precinct provisions are listed in **Attachment A**, which identifies both the potential change and the associated submission.
6. Discussions with submitters are ongoing. HLL anticipates that there may be a need for further minor amendments to the precinct provisions prior to the hearing. Any such changes will be identified in evidence to be filed by HLL.

7. Counsel is grateful to the Hearing Panel for its consideration of this memorandum.

**DATED** at Auckland this 24<sup>th</sup> day of August 2023



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**K A Storer**

**Counsel for Highbrook Living Limited**

**ATTACHMENT A**

<b>Precinct provision</b>	<b>Potential Amendment</b>	<b>Related Submitter</b>	<b>Related Submission Number</b>
Objective I4.2(3)	Amend Objective I4.2(3) as follows:  "Subdivision, use and development within the Highbrook Precinct ensures that adverse effects on the safety, capacity and efficiency of the operation of the <del>local</del> <u>surrounding</u> transport network is avoided, remedied or mitigated".	Auckland Transport	14.15
New Objective and corresponding Policy	Introduce a new objective and corresponding policy seeking to ensure safety for active mode users to and from the PC 90 area.	Auckland Transport	14.16
Standard I4.6.2 Highbrook Precinct Transportation Plan	Delete this standard and replace it by introducing new assessment criteria relating to the preparation of the Highbrook Transportation Plan.	Auckland Transport	14.13
New standard I4.6.6	Introduce a new standard to require the construction of a shared path from the PC 90 area, from the new signalised intersection at Highbrook	Auckland Transport	14.4

	Drive to Gridco Road / Hellabys Road intersection, including a raised pedestrian facility representing the continuation of the southern footpath of Hellabys Road across the intersection with Gridco Road.		
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