

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

AND

IN THE MATTER of **Private Plan Change 44** – 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket 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 three independent hearing commissioners – David Wren (Chairperson), Trevor Mackie and Sheena Tepania. 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 22 April 2021 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 30 April 2021. Both documents are attached to this Direction.
3. In paragraph 12 of the applicant's memorandum of 30 April 2021, they sought:
 - 12.1 *Advice from Council staff as to the status of the comments in the Covering Email quoted in paragraph 7 above.*
 - 12.2 *A direction that the section 42A report include an assessment of the Revised Provisions instead of, or at least in addition to, the notified provisions.*
 - 12.3 *Clarification from Council as to whether it will allow the reporting planner to meet with the Applicant's' representatives to discuss the plan change and the Revised Provisions.*
 - 12.4 *Advice from Council as to whether the reporting planner is to have a discretion to seek clarification only from submitters and not from the Applicant.*

In response to the applicant, the hearing panel make the following directions:

- (a) That council staff respond to the applicants points 12.1, 12.3 and 12.4

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.

4. 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 Senior Hearings Advisor, Laura Ager by 9am on Monday 21 June 2021 and shall be released to all parties no later than 5pm **Wednesday 23 June 2021**.
 - (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 Senior Hearings Advisor no later than midday, **Tuesday 10 August 2021** 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 Senior Hearings Advisor no later than midday, **Tuesday 31 August 2021** 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 section 42A of the RMA, the reporting planner shall provide an addendum S42A hearing report to the Council's Senior Hearings Advisor no later than midday, **Tuesday 14 September 2021** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day
 - (f) 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 Senior Hearings Advisor no later than midday, **Tuesday 21 September 2021** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day
 - (g) The hearing shall commence on **Tuesday 28 September 2021** and has been set down for four days, with two overflow days.
5. 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 Senior Hearings Advisor no later than midday, **Thursday 23 September 2021** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day

6. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than midday, **Friday 24 September 2021**. The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
7. 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.
8. Any enquiries regarding these Directions or related matters should be directed to the Council's Senior Hearings Advisor, Ms Ager, by email at laura.ager@aucklandcouncil.govt.nz.



David Wren, Chairperson
2 June 2021