

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 #5 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. It is also to deal with any procedural matters.
2. Plan Change 44, in summary, aims to introduce a new precinct at 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket that:
 - (a) enables mixed use development
 - (b) introduces building height up to 65 metres above ground level
 - (c) provides a publicly accessible plaza, pedestrian connections and vehicular and pedestrian access to and from George, Morgan and Clayton Streets
 - (d) removes the 27 metre Height Variation Control).
3. A decision on the proposed plan change must be made no later than 25 June 2022, two years from the date the application was notified.
4. In accordance with the hearing panel Direction #4, the Council, on 17 November 2021, applied to the Minister for the Environment for a 6 month extension of time under clause 10A(1) of Schedule 1 of the RMA. The Council has yet to receive a response from the Minister.
5. As previously advised, the applicant has made an application under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA). The decision under the FTCA is still pending.
6. The hearing panel were about to issue a Direction that outlined a new evidence timetable and hearing date to ensure the 25 June 2022 decision date could be met. On 21 March 2022, the applicant requested that PC44 remain on hold awaiting the Minister's decision on an extension. The applicant has undertaken to withdraw PC44 prior to the date on which the Council decision is due unless, in the interim, the Minister approves the

Council's request for an extension to that decision date. The hearing panel has agreed with the applicant's request.

7. The hearing panel directs the following:
 - (a) This application is to be placed on hold until **25 June 2022** pending a decision from the Minister for the Environment on a 6-month extension.
 - (b) If the extension is not forthcoming prior to 5.00pm on **25 June 2022**, the applicant has agreed to withdraw PC44.
 - (c) If the Minister approves the extension prior to **25 June 2022** a new hearing date will be set with new timeframes directed.

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
22 March 2022

