

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

**AND**

**IN THE MATTER** of Private Plan Change 66 – 57 and 57A Schnapper Rock Road, Schnapper Rock 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 – Cherie Lane (Chairperson), Trevor Mackie and Nigel Mark-Brown. 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 Friday 3 December 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 Friday 10 December 2021. Both documents are attached to this Direction.
3. The hearing panel has considered the applicant’s 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, Sam Otter by 9am on Tuesday 18 January 2022 and shall be released to all parties no later than 5pm **Tuesday 18 January 2022**.

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.

- (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 25 January 2022** and will be made available to the parties and on the Council’s website no later than 5.00pm the same day.
  - (c) Should changes to the Plan Change be proposed by the applicant, the evidence provided in (b) above 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, **Wednesday 2 February 2022** and will be made available to the parties and on the Council's website no later than 5.00pm the same day.
- (e) 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 8 February 2022** and will be made available to the parties and on the Council's website no later than 5.00pm the same day.
- (f) The hearing is set down for **Thursday 10 and Friday 11 February 2022**.
4. While these Directions do not apply to lay or non-expert statements/evidence, the Hearing Panel would appreciate any written statements, that are to be presented at the hearing by submitters, to be provided to the Council's Senior Hearings Advisor no later than midday, **Tuesday 8 February 2022** and will be made available to the parties and on the Council's website no later than 5.00pm the same day.
5. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than midday, **Tuesday 8 February 2022**. The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
6. The purpose of these Directions is to provide the opportunity for the Hearing Panel and other parties to have read and considered any legal submissions, evidence or statements in advance of the hearing in order 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 may be read out or the key points highlighted.
7. Any enquiries regarding these Directions or related matters should be directed to the Council's Senior Hearings Advisor, Sam Otter, by email at [sam.otter@aucklandcouncil.govt.nz](mailto:sam.otter@aucklandcouncil.govt.nz)



Cherie Lane, Chairperson  
17<sup>th</sup> December 2021

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

**AND**

**IN THE MATTER** of **Private Plan Change 66** – 57 and 57A Schnapper Rock Road, Schnapper Rock 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– Cherie Lane (Chairperson). The 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.
2. Plan Change 66, aims to rezone 57 Schnapper Rock Road from Residential – Large Lot Zone to Residential – Single House Zone (2.11 ha) and Residential – Mixed Housing Suburban Zone (1.88 ha), and to remove the Greenhithe Precinct from 57 and 57A Schnapper Rock Road.
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 Senior Hearings Advisor, Sam Otter, by midday, Friday 10 December 2021.
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 chair, 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 Senior Hearings Advisor, Sam Otter, by email at [sam.otter@aucklandcouncil.govt.nz](mailto:sam.otter@aucklandcouncil.govt.nz)



Cherie Lane, Chairperson  
1<sup>st</sup> December 2021



10 December 2021

Commissioners – Plan Change 66  
Auckland Council  
by email

**Attention:** Sam Otter

Dear Sam

**Private Plan Change 66 – 57 and 57A Schnapper Rock Road**

1. I am instructed to act for KBS Design Group Limited who is the Applicant for Private Plan Change 66 (**PPC 66**). This letter responds to Direction 1 from the PPC 66 Hearing Panel.
2. With respect to paragraph 3 of the Direction, I am instructed that at the time of writing the Applicant does not propose any amendments to PPC 66.
3. Turning to paragraph 4, I note for the record that the Local Authority has already considered the request under s25 of Schedule 1 of the RMA and made a decision. It is not correct to say that any modifications to the plan change application must be made prior to consideration of the request – modifications within scope may be made subsequently. However, potentially the intent of the wording might be captured by altering the wording to say “...to be considered in the s42A Report, any modifications to the plan change application must be made prior to consideration of the request...”. In any event, as stated above, no modifications are proposed at this time.

Yours faithfully



**Jeremy Brabant**