

**TO: AUCKLAND COUNCIL INDEPENDENT HEARING PANEL ON PLAN
CHANGE 78**

**MEMORANDUM ON BEHALF OF BALMORAL RESIDENTS ASSOCIATION
INCORPORATED**

1. This Memorandum is filed by Balmoral Residents Association Incorporated (BRAI). It asks that the Hearing for Topic 046 (Light Rail Corridor) be vacated.
2. BRAI is a further submitter on Topic 046. It opposes the relief sought in respect of Balmoral by Kāinga Ora and a number of other submitters.
3. In summary, that relief seeks that the Auckland Light Rail Corridor Area (ALRC) ,which is at present excluded from Plan Change 78(PC78), be brought within PC78, and that Balmoral be zoned in it as Terrace Housing and Apartment Building (THAB), allowing for apartment blocks of up to six storeys throughout suburban Balmoral.
4. The Panel has scheduled the hearing of submissions on Topic 046 for 22-24 May 2024.

5. On 6 April 2023 Government extended the date for Council to make its determinations on PC78 until 31 March 2025. On 13 May 2023, the Panel agreed to a request from Council to pause the hearings as for the reasons given by Council it considered it appropriate to not schedule any PC 78 hearings at that time.
6. The basis for the deferral was that Council proposed to introduce a Variation or Variations to PC78 to:
 - (a) Bring the Light Rail Corridor Area within PC78:and
 - (b) Address changes needed to PC78 as a result of the significant flooding that occurred in Auckland in January and February 2023.
7. In a Memorandum to the Panel dated 4 July 2024, Council advised that its timetable was
 - Mid October/End November 2023 – public consultation on draft variation to PC78 for the ALRC;
 - • Early February 2024 – Seek endorsement from the PEP Committee to notify the variation(s) in February 2024.
8. In a Memorandum to the Panel dated 30 October 2023, Council advised that it could not tell the IHP when a variation for the ALRC will be notified and whether natural hazard issues will be able to be comprehensively addressed via a variation to PC78.
9. Balmoral was an area which was significantly affected by flooding in January and February 2023. A number of houses in Balmoral were red-stickered and rendered uninhabitable. Almost the whole of Balmoral is within the ALRC.
10. Government has announced that the Auckland Light Rail project will not be proceeding.
11. At the hearing of Topic 46, BRAI will be contending (inter alia) :
 - that the ALRC should not be brought into PC78; and that if it is:

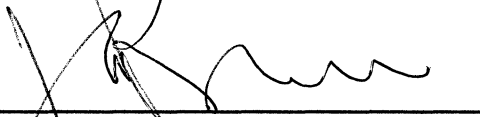
- residential land in Balmoral should be zoned as single house zone; and
 - the Medium Density Residential Standards (MDRS) should not apply to residential land in Balmoral; and
 - the Balmoral Special Character Areas should be retained as a qualifying matter in PC78
12. Council has not carried out any consultation with BRAI about any proposed variation to PC78, or what provisions (if any) it proposes should apply to Balmoral should submitters succeed in having Balmoral brought within PC78, since its Memorandum dated 4 July 2023.
13. Council has not notified any proposed variation or variations to PC78.
14. BRAI wishes to call planning and other evidence at the hearing of Topic 046. If the hearing is to proceed in May, BRAI needs to brief its witnesses to prepare their evidence now.
15. In the absence of any information or proposals from Council as to whether or not it agrees the ALRC should be brought into the Light Rail Corridor, and if it is what provisions it proposes should apply to residential land in Balmoral, BRAI is unable to determine what evidence it needs to call or to brief its witnesses, and they are unable to prepare any meaningful evidence for the hearing until they receive Council's evidence.
16. Under the evidence exchange timetable for Topic 046, Council is to provide its evidence on Topic 046 on 15 April 2024, and submitters must provide their evidence on 30 April 2024. Rebuttal evidence must then be provided by 14 May 2024.
17. This means BRAI will have only two weeks to reply to what will be a very substantial re-zoning proposal for Balmoral by Council and only another two weeks to respond to Kainga Ora and other submitters' evidence on their major re-zoning proposals for Balmoral.

18. That is insufficient time for BRAI's witnesses to read, understand, and respond to what is expected to be voluminous evidence from Council, Kainga Ora and other submitters whose evidence they wish to contest.

19. In these circumstances, to proceed with a hearing of Topic 046 in May would be unfair and prejudicial to BRAI, and the hearing dates should be vacated

now.

Dated at Auckland this 8th day of March 2024

A handwritten signature in black ink, appearing to read 'John Burns', written over a horizontal line.

John Burns

Chair

Balmoral Residents Assn Inc

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