

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

**AND**

**IN THE MATTER** of **Private Plan Change 94** – Wairaka Precinct in Carrington Road, Mt Albert to the Auckland Unitary Plan

## **HEARING DIRECTION #2 FROM THE HEARING PANEL**

### **APPLICANT FILING AN UPDATE TO THE PLAN CHANGE AND COUNCIL'S SECTION 42A REPORT**

1. The Applicant's agent, Mr Duthie, has sought a Direction be made from the Hearing Panel as set out in his email<sup>1</sup>. That email stated:

*This email is inviting the Chairperson to issue a direction that the applicant circulate through the Council any updates it has to Plan Change 94 by 20 September.*

*The 20 September date has been given to us by the reporting planner preparing the 42A Report. That is the date at which this information would be helpful to him in terms of his programme.*

*The applicant has given careful consideration to all the submissions.*

*In particular, it has had discussions with Watercare over the issues they have raised concerning infrastructure. This has led to some changes to Plan Change 94 which the applicant will advance as part of the hearing. There are other refinements made in response to issues raised by submitters.*

*The applicant and Tattico are of the opinion that it would be far preferable for the Council's 42A Report to be framed on the basis of the updated plan change provisions.*

*Thus we request that you issue a direction that by 5.00pm on 20 September the applicant should lodge with the Council for notification to all parties through the hearing website, any changes/updates to the plan change 94 document.*

2. It is understood from email correspondence provided to the Hearing Panel that the section 42A author Mr Reaburn, and Ms Davison<sup>2</sup>, are in agreement with the request and its timetabling.
3. The Hearing Panel agrees that the Applicant's request is a practical and efficient way to proceed. This will enable (respectively) the Council and all submitters to see the proposed updated

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<sup>1</sup> Dated 6 September 2024.

<sup>2</sup> Manager Central South - Planning and Resource Consents Department

provisions before finalising the section 42A report and any evidence being provided by the Applicant or Submitters.

4. Accordingly, we direct that that the Applicant circulates, through the Council, any updates it has to Plan Change 94 (PC 94) no later than 20 September 2024, and that the section 42A report be framed on the basis of the updated plan change provisions, taking into account paragraph 5 below.
5. In terms of this Direction, we request that the section 42A report address the following (to the extent necessary):
  - (a) PC 94 as notified;
  - (b) the changes the Applicant has proposed to PC 94 in response to submissions; and
  - (c) The section 42A author's view on the amended PC 94, including if there are any scope issues arising from the proposed changes.
6. Any enquiries regarding this Direction or related matters should be directed to the Council's Hearings Advisor, Chayla Walker, by email at [Chayla.walker@aucklandcouncil.govt.nz](mailto:Chayla.walker@aucklandcouncil.govt.nz)



Greg Hill - Chairman

9 September 2024