

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

AND

## IN THE MATTER of Private Plan Change 55

### HEARING DIRECTIONS FROM THE HEARING PANEL

1. In our directions of 18 October 2021, we set out an amended evidence timetable and hearing dates for our consideration of this Plan Change application. However, the proposed Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill, about to be introduced to Parliament contains a provision that all Plan Changes (both Council and Private) must be withdrawn where it can be determined that the proposed instrument
  - intends to give effect to intensification policies of the NPS-UD:
  - proposes changes to a residential zone that will be subject to the MDRS:
  - creates a new relevant residential zone that does not incorporate the MDRS:
  - has been notified on or before the enactment of the Bill but a hearing under clause 8B of Schedule 1 is not completed on or before 20 February 2022.
2. While this is still a bill before Parliament and subject to the appropriate Parliamentary processes, should this provision remain, it could put the current hearing times and outcomes in doubt, especially if the hearing must be closed by 20 February 2022. It is common practice for the applicant's right of reply to come in sometime (usually 5 working days) after the hearing and time is required to ensure we have sufficient and reliable information to make our decision on the application.
3. We are aware that significant time and resources has been committed by all the parties on this Plan Change (including the provision of evidence and submissions etc) to date and to see it 'fall over at the last hurdle' would create significant issues for all the parties involved. We are also aware of our obligations under the Act to avoid undue delays, and not reaching a decision on this application would constitute undue delay and potentially a waste of resources. Finally, we note that a decision would have been made on this Plan Change application had Covid-19 not impacted on the hearing originally set for August this year.
4. As a result, we have resolved to move the hearing dates from 17,18, 21 and 22 February 2022 to **24, 25, 26 and 27 January 2022**, to ensure that we can consider this matter and close the hearing before the 20 February 2022 deadline. However, we do not see any need to amend the evidence timetable as set out in our 18 October 2021 directions.

5. We direct the following:
- a. The Council shall provide an addendum to its s.42A Report addressing the Applicant's proposed amendments no later than close of business (5.00pm) on Thursday 28 October 2021;
  - b. Submitter's non-expert evidence is requested no later than close of business (5.00pm) Thursday 11 November 2021;
  - c. The Applicant to provide any expert evidence in rebuttal by close of business (5.00pm) on Thursday 25 November 2021;
  - d. The hearing will be held (unless point e below applies) at the Concert Chamber of the Pukekohe Town Hall on 24, 25, 26 and 27 January 2022; and
  - e. Should Auckland be at a Covid-19 level that prevents an in person hearing the hearing will be held using MS Teams.

Any enquiries regarding these Directions or related matters should be directed by email to the Council's Hearing Advisor [bevan.donovan@aucklandcouncil.govt.nz](mailto:bevan.donovan@aucklandcouncil.govt.nz).



Dr Lee Beattie  
Chair on behalf of Commissioners Basil Morrison and Hugh Leersnyder  
27 October 2021