

**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. We received a memo from Ms Trenouth dated 13 Jan 2022 amending her recommendation and position on this Plan Change as part of her s.42A report. The rationale for her amended position is set out in her memo to us. We wish to stress at this stage that it is completely appropriate for professionals (including council officers) to change their view on an application as new evidence comes to light, which appears to be the case here.
2. In light of this, we have received a request from Mr Dawson seeking a delay in the provision of his legal submissions to address the Council officer's amended position, which were due on 18 Jan 2022. We agree with this request and also advise that if Mr Dawson wanted to provide his submission 'on the day', we would accept this approach. However, provision in advance would assist us, and all the other parties and potentially reduce hearing time. We will leave this decision in Mr Dawson's hands to decide which approach he prefers. In saying this, if he does wish to provide his submissions in advance these shall be provided to Mr Donovan by 1.00pm Friday 21 Jan 2022 in order to enable Mr Donovan sufficient time to circulate these to all the parties.
3. Mr Dawson has also requested that the Council should outline the rationale for their amended position before the applicant's case given the amendment to their position. As most of the parties will be aware, in the usual course of events the applicant would present their evidence first, then the submitters, followed by the Council officers and the applicant's right of reply. However, again, in light of the amended position so close to the hearing dates we do see value in this approach, as this will also enable the submitters to gain a better understanding of the Council officer's amended position before they present their position to us.
4. As a result, we direct the order of the hearing shall be revised as follows:
  - Opening of hearing, with introductions and ensuring all the relevant preliminary issues are addressed;
  - The Council officers shall outline their amended position on the Plan Change and in doing so may provide short written summaries for their rationale on the amended position, to be tabled on the day;
  - Applicant shall present their case in the usual fashion;
  - The submitters shall present their case in the normal way; and

- The applicant's right of reply. However, we would like to signal now, that we would want these provided to us in writing, most likely 5 working days following the end of hearing.
5. Finally, we would like to advise that there is no public Wifi available at this venue and should parties wish to access the internet etc, this would be via their own personal devices.

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  
17 January 2022