

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. Pursuant to section 34A of the RMA, Auckland Council (the Council) has appointed a Hearing Panel consisting of three independent hearing commissioners, Barry Kaye (Chairperson), Basil Morrison and Hugh Leersnyder. Now, with the retirement of Mr Kaye from the Council's Commissioner Hearing Panel, Dr Lee Beattie has replaced Mr Kaye on the panel and as the Chair. The Hearing Panel's function is to hear the application and submissions and decide on the Plan Change proposal.
2. The details of the actual Plan Change were set out in Mr Kaye's directions dated 17 May 2021. As part of this minute, the panel set out directions, pursuant to clause 8AA(1) of the Schedule 1 of the RMA for the applicant to meet with Mr Kraakman (and his legal advisor Ms Helen Atkins).
3. We have received a response from Mr Julian Dawson (applicant's Counsel) on 18 June 2021 advising that the meeting has taken place. However, we are unclear what the outcome was of this meeting and discussions, and how they relate to Mr Kraakman's property and his involvement in the Plan Change. We were advised by Mr Dawson that the applicant is entitled to apply for the Plan Change over his (Mr Kraakman's) property and should any Plan Change be approved any further roading outcome would be subject to landowner approval and the appropriate resource consent applications. Points we do not disagree with.
4. Mr Dawson also suggested that the applicant had an amended proposal that did not involve Mr Kraakman's property should that be required, and that this was also within scope of the original Plan Change as notified. However, we are unclear how this is the case and what involvement all the parties have had in this process without seeing the details. We are concerned any amendment may involve potential adjournments to enable the parties to appropriately respond to any changes and how they affect their submissions etc. However, while we do not wish to predetermine or preclude any options available to the applicant, we would like to acknowledge at this point that these potential issues may arise for any amendments the applicant may or may not seek to present to us.
5. We also received a request from Mr Dawson seeking to amend the evidence timetable set on 27 April 2021, by moving the provision of the council's s.42A report to an earlier date (2 July 2021). Mr Dawson's rationale is that no party would-be prejudiced by this approach. However, we are concerned this approach would impact on the Council's ability to provide their s.42A report, within this amended timetable. A point Mr Craig

Cairncross (Council's Principal Planner) has expressed to us via Mr Donovan (Council's Hearing Advisor). Noting, that Council's Mr Donovan would also need time to circulate this to all the parties so this would further impact on the Council's ability to provide an appropriate s.42A report to us.

6. As a result, we are not willing to amend the evidence timetable as this would prejudice the Council's preparation of its s.42A report, and the current timetable stands.
7. We direct that Mr Dawson provides us with a detailed response covering the outcomes of the applicant's discussions with Mr Kraakman and how this Plan Change affects his property, as per our direction of 17 May 2021, by 5 July 2021, so we can better understand the position reached by the parties in this matter.
8. We direct that all parties, if providing evidence summaries, written submissions etc, prepare at least 10 paper copies on the day of the hearing for distribution to the others present (no photocopy facilities are available at the venue).
9. Finally, we note for completeness that no 'wifi' will be available at the Pukekohe Town Hall.

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



Dr Lee Beattie
Chair on behalf of Commissioner Basil Morrison and Hugh Leersnyder
24 June 2021