

**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 22 July 2021, we set out an amended evidence timetable and hearing dates for our consideration of this Plan Change application. As part of these directions, as noted we were advised by the applicant's Counsel Mr Dawson that the applicant sought to amend their application and would advise us how the amended application was within the scope of the original application as notified. As part of this process we also set a timetable to address the issue of scope:
  - a. The applicant was to provide us with an outline of proposed amendments to the Plan Change together with a brief explanation of the reasons why those amendments were within scope by: 6 August 2021;
  - b. That we would accept submissions from all the other parties on the issues of scope raised by the applicant by 17 August 2021; and
  - c. We would make a determination on issues of scope by 24 August 2021.
  
2. We (the Panel) have received the information (as set in point one above) from the applicant on time, which was then circulated to all the parties, and we received the following submissions from:
  - Ms Helen Atkins and Ms Nicole Buxeda, Counsel for Mr Peter Kraakman (Alpito Hill); and
  - Ms Chloe Trenouth, Consultant Planner for the Council and author of s.42A report.
  
3. In essence, (without going into the details of their submissions to save time), neither submission raised any issues with regard to the proposed amendments falling outside the scope of the application as notified. We have considered the applicants submission, and those from the other parties we received on time, and agree that the amendments are within scope. Therefore, our evidence timetable set out within our directions of 22 July 2021 stands. For completeness we have set them out again below:
  - a. The applicant shall provide its expert evidence by close of business (5.00pm) on 3 September 2021;
  - b. Any expert evidence from submitters shall be provided no later than close of business (5.00pm) on 17 September 2021;

- c. The Council to provide an addendum to its s42A Report addressing the Applicant's proposed amendments no later than close of business (5.00pm): on 15 October 2021;
  - d. The Applicant to provide any expert evidence in rebuttal by close of business (5.00pm) on: 29 October 2021;
  - e. Submitter's non-expert evidence requested no later than 29 October 2021; and
  - f. The hearing is scheduled for the dates of 8, 9 10 and 11 November 2021, at a place to be determined by Mr Bevan Donovan (Council's Hearing Advisor)..
4. We note at this stage that the hearing dates are confirmed. However, this may change considering potential future Covid-19 restrictions etc, which are beyond our control. In saying this, we do not see any need to amend the existing evidence timetable from point three above in light of current Covid-19 restrictions. However, should this become an issue we are open to submissions on this matter.
  5. Finally, we would like to cover a letter we received from Ms Sarah Nairn on behalf of Judith and Scott Gavin (23 Clive Howe Road) seeking , as also set out in their original submission, that their property be included in the plan change. Firstly, we would like to note this was received outside the timetable set by our directions of 22 July 2021. However, this is a minor point as we agree with Ms Trenouth's view (as set out in her s.42a report) that the original submission was outside the scope of the application and could not be considered. A point acknowledged by Ms Nairn (at her point 10).
  6. She then proposed a limited notification process to, in essence, bring her client's site (and others) into this plan change process. We do not agree with this approach and believe it would be inappropriate and would adversely affect the applicant. We are also reminded of our obligations to process applications under the Act (RMA, 1991) without undue delays. As a result, we do not support Ms Nairn's request and find that their submission and her request dated 19 August 2021 fall outside the scope of the application and Judith and Scott Gavin's site cannot be included, or form part of our consideration of this plan change.

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  
23 August 2021