

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

AND

IN THE MATTER of **Private Plan Change 99** – 13 Cresta Avenue & 96 Beach Haven Road, Beach Haven to the Auckland Unitary Plan

HEARING DIRECTION #2 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 – Karyn Kurzeja (Chairperson), Peter Kensington and another commissioner to be confirmed. The Hearing Panel's function is to hear the application and submissions and make a decision on the Plan Change proposal, including any changes to it that are within scope of the notified Plan Change. It is also to deal with any procedural matters.
2. On 17 July 2024 the hearing panel directed the applicant to file a memorandum outlining what, if any, changes they recommend to the proposal and outline which changes are in response to which submissions. The applicant filed the memorandum on 25 July 2024. Both documents are attached to this Direction.
3. The hearing panel have considered the applicants memorandum and accordingly directs the following:
 - (a) Pursuant to section 42A of the RMA, the S42A hearing report is to be with the Council's Hearings Advisor, Bevan Donovan by 3pm on Monday, 12 August 2024 and shall be released to all parties no later than 5pm **Tuesday, 13 August 2024**.

The hearing panel is not able to direct the section 42A hearing report to include an assessment of the revised provisions as that would be contrary to Part 2 of Schedule 1 of the RMA.

- (b) Pursuant to sections 41B(1) and (2) of the RMA, the Applicant's expert evidence (evidence given by a professional with specialist qualifications and experience) is to be provided to the Council's Hearings Advisor no later than midday, **Tuesday, 20 August 2024** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day.
 - (c) Should changes to the Plan Change be proposed by the applicant the evidence provided in (b) must include a S32AA report and reasons why any proposed changes are in scope.

- (d) Pursuant to sections 41B(3) and (4) of the RMA, any submitter who intends to call expert evidence at the hearing (evidence given by a professional with specialist qualifications and experience) is to provide that evidence to the Council's Hearings Advisor no later than midday, **Tuesday 27 August 2024** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day.
 - (e) Pursuant to sections 41B(1) and (2) of the RMA, any rebuttal evidence to be provided by the Applicant is to be provided to the Council's Hearings Advisor no later than midday, **Tuesday, 3 September 2024** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day.
 - (f) Pursuant to section 42A of the RMA, the reporting planner shall provide an addendum S42A hearing report (if required) to the Council's Hearings Advisor no later than midday, **Monday, 9 September 2024** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day.
 - (g) The hearing shall commence on **Thursday, 12 September 2024** and has been set down for two days.
4. While these Directions do not apply to lay or non-expert statements/evidence, the Hearing Panel would appreciate any written statements to be presented at the hearing by submitters to be provided to the Council's Hearings Advisor no later than midday, **Tuesday, 3 September 2024** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day
 5. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than midday, **Tuesday, 10 September 2024**. The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
 6. The purpose of these Directions is to provide the opportunity for the Hearing Panel and the other parties to have read and considered any legal submissions, evidence or statements in advance of the hearing to assist in understanding the case being presented. As the Hearing Panel will have read all the pre-circulated material before the hearing, there will be no need for it to be read out. An executive summary may be read out or the key points highlighted.
 7. Any enquiries regarding these Directions or related matters should be directed to the Council's Hearings Advisor, Bevan Donovan, by email at bevan.donovan@aucklandcouncil.govt.nz.

A handwritten signature in black ink, appearing to read 'Karyn Kurzeja'.

Karyn Kurzeja, Chairperson
2 August 2024

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

AND

IN THE MATTER of **Private Plan Change 99** – 13 Cresta Avenue and 96 Beach Haven Road, Beach Haven to the Auckland Unitary Plan

HEARING DIRECTION #1 FROM THE HEARING PANEL

1. Pursuant to section 34A of the RMA, Auckland Council (the Council) has appointed the chair of the Hearing Panel – Karyn Kurzeja (Chairperson). The hearing panel members will be appointed shortly. The Hearing Panel's function is to hear the application and submissions and to make a decision on the Plan Change proposal, including any changes to it that are within scope of the notified Plan Change. It is also to deal with any procedural matters.
2. Plan Change 99, in summary, aims to rezone 13 Cresta Avenue and 96 Beach Haven Road, Beach Haven from Residential Single House to Residential – Mixed Housing Urban. It also proposes a precinct for the land to include the Medium Density Residential Standards in Schedule 3A of the RMA in accordance with section 77G of the RMA.
3. Before the hearing timetable is set down, the Chair directs the applicant to file a memorandum outlining what, if any, changes they recommend to the proposal and outline which changes are in response to which submissions. This memorandum should be lodged with the Council's Hearings Advisor, Bevan Donovan, by 5pm, Thursday 25 July 2024.
4. The reason for this is, in accordance with Part 2 of Schedule 1 of the RMA, any modifications to the plan change application must be made prior to the Local Authority considering the request under S25 of Schedule 1. As this private plan change has already been notified, the S42A report will be based on the private plan change as notified. The chair, in setting the hearing timetable, will take into consideration the extent of any proposed changes to ensure all parties have sufficient time to prepare for the hearing.
5. Any enquiries regarding these Directions or related matters should be directed to the Council's Hearings Advisor, Bevan Donovan, by email at bevan.donovan@aucklandcouncil.govt.nz.



Karyn Kurzeja, Chairperson
17 July 2024

To: Karyn Kurzeja – Chairperson
From: Rachel Morgan – Barker & Associates Limited
Date: 25 July 2024
Re: Private Plan Change 99 - Response to Hearing Direction #1

This memo responds to Hearing Direction #1 from the PC99 Panel Chair. The Direction requests that the applicant file a memorandum outlining what, if any, changes they recommend to the proposal and outline which changes are in response to which submissions.

The applicant team has meet with some submitters and is considering a range of amendments to the proposed Precinct, however, this is still being worked through.

As such, I list below the high-level amendments that are being considered at this stage. This will be confirmed in evidence.

The amendments being considered include:

- Amendments to ensure that infrastructure capacity is assessed at the resource consent stage for development on the site. This may include targeted amendments to the relevant objectives, policies, rules and assessment criteria. This responds to the issues raised in the Auckland Council and Watercare submissions.
- Amendments to reduce the building height allowed in the Precinct, potentially to 8m + 1m for roof form. This is still being worked through and is subject to a qualifying matter assessment. This responds to the issues raised in the submissions from directly affected neighbours.
- Amendments to limit the existing access from Beach Haven Road so that it is 'pedestrian only'. This responds the issues raised in the submission for Airedale Property Trust.

Further amendments may be proposed in response to issues raised in submissions, however, the above provides an indication on the preliminary approaches being considered.