

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

AND

IN THE MATTER **Intensification Planning Instruments Plan Change (IPI)— Plan Change 78 - to the Auckland Unitary Plan – Operative in Part (AUP)**


MINUTE FROM THE HEARING PANEL – 7 AUGUST 2024

PLAN CHANGE 78 – PANEL’S RESPONSE TO THE WHAU LOCAL BOARD’S REQUEST TO SPEAK ABOUT THE AVONDALE RACECOURSE

1. Pursuant to section 34A and clause 96 of Schedule 1 of the RMA, Auckland Council (**Council**) has appointed a Hearing Panel consisting of independent hearing commissioners. The Panel’s function is to hear the submissions on Plan Change 78 (**PC 78**) and make its recommendations to Council.
2. The Panel has received an email from the Chair of the Whau Local Board requesting speaking rights at the PC 78 hearings regarding the Avondale Racecourse.¹ The email explains that the Whau Local Board was unaware of the submission by the Avondale Jockey Club to rezone the racecourse land for housing, and that there is considerable concern in the community regarding this. The Board would like to present those views to the Panel.
3. Section 15(2)(c) of the Local Government (Auckland Council) Act 2009 requires that before making decisions, including under the RMA, Council must consider any views and preferences expressed by a local board if the decision may affect the well-being of communities within its local board area.
4. The Panel accepts that the Whau Local Board has proper interest in Plan Change 78, and that the Council should consider the views and preferences expressed by it on behalf of the communities in its area.
5. The Panel convened a Pre Hearing Conference in March 2023 at which, cognisant of the role of local boards, it provided the opportunity for all local boards to present their views on PC 78. The Whau Local Board did so, although it did not address the issue now raised. The Avondale Jockey Club’s submission had been available for the Board to access from when PC 78 was opened to further submissions on 5 December 2022. Ten other parties lodged a further submission on the Jockey Club’s submission, most of whom opposed it.
6. Under clause 96 of Schedule 1 of the RMA the role of the Panel is to conduct a hearing of submissions and make recommendations to the Council. The process provided for is therefore focused on the hearing of submitters and further submitters on PC 78.

¹ Email from Kay Thomas, Chairperson Whau Local Board dated Tuesday 9 April 2024

7. While it is not a submitter, the Panel recognises the importance of the Whau Local Board's role to advocate for its community, but it must also observe the requirements of the RMA and maintain the fairness of the hearing process. Allowing interested parties additional opportunities to present could be unfair to submitters and other parties
8. As noted above, it is the Panel's role to hear submissions on the Plan Change and make recommendations to the Council as the decision-making body. The Whau Local Board may have a further opportunity to comment when the Council comes to consider the Panel's recommendations, but that is a matter as between it and the Council.
9. Accordingly, the Whau Local Board's request to speak again is declined.

A handwritten signature in cursive script that reads "M. Casey".

Matthew Casey, KC Chairperson
7 August 2024

From: [Kay Thomas \(Whau Local Board\)](#)
To: [Sam Otter](#)
Cc: [Adam Milina](#)
Subject: Avondale Racecourse Hearing Request
Date: Tuesday, 9 April 2024 2:07:15 pm

Kia ora Sam

I am writing to request that the Whau Local Board be provided speaking rights at the Plan Change 78 hearings regarding the Avondale Racecourse.

Although the board has expressed its support for Plan Change 78, we were unaware at the time of the application by the Avondale Jockey Club to rezone the racecourse land, to change the Avondale precinct and to significantly extend the proposed walkable catchment boundaries. There is considerable concern in the community about the proposal to rezone all of the racecourse for housing and the local board would appreciate the opportunity to present those views to the hearings panel to ensure the views are considered while recommendations are made.

Ngā mihi

Kay Thomas | Local Board Chairperson
Whau Local Board

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