

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

AND

IN THE MATTER of **Private Plan Change 94** – Wairaka Precinct in Carrington Road, Mt Albert to the Auckland Unitary Plan

HEARING DIRECTION #6 FROM THE HEARING PANEL

ACCEPTING A STATEMENT FROM NGATI WHATUA ORAKEI WHAI RAWA LIMITED AFTER THE HEARING WAS ADJOURNED.

1. The Hearing Panel has received a statement from Ngati Whatua Orakei Whai Rawa Limited in relation to PC 94 after the hearing was adjourned¹. That statement is:

Ngati Whatua Orakei Whai Rawa Limited is a submitter in support of Plan Change 94.

We agree with the position of MHUD, both in terms of scope and merit, with respect to the matter of protecting additional trees within the Plan Change area by virtue of rule 1334.6.7. We were surprised that Council recommended protecting additional trees without further consultation or analysis during the processing of the Plan Change, particularly the English Oak tree (referenced as 56 within Council's reporting) at 123 Carrington Road. 123 Carrington Road is a stand alone site and has been owned by Ngati Whatua Orakei for over 20 years, acquired through redress processes and is not part of the recent Crown acquisitions.

Nevertheless, and being aware of the discussion regarding adding further trees and being unsure of the Commissioners position with regard to this matter, a Certificate of Compliance has been sought and issued under section 139 of the Resource Management Act, verifying the lawful removal of trees 56 and 57 irrespective of future district plan provisions. This certificate expires on November 27th, 2029 and is attached for information.

It would be appreciated if this information could be passed onto the Commissioners to assist in their deliberations.

2. The Hearing Panel accepts Ngati Whatua Orakei Whai Rawa Limited's statement – as:
 - It is relevant factual information and does not involve matters of opinion;
 - Ngati Whatua Orakei Whai Rawa Limited has not asked to be heard, hence the hearing does not need to be re-convened; and
 - No party is prejudiced by us accepting it.

3. Any enquiries regarding this Direction is to be directed to the Council's Hearings Advisor, Chayla Walker, by email at Chayla.walker@aucklandcouncil.govt.nz

¹ Mr Donnelly, General Manager Property - Dated 3 December 2024

Greg Hill

Greg Hill – Chairperson

3 December 2024