

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

**AND**

**IN THE MATTER** of Private Plan Change Plan Change 105 - 350, 400 & 470 Oruarangi Road, 118 Montgomerie Road and 88 Pavilion Drive, Māngere 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 – James Whetu (Chairperson), Juliane Chetham and Glenn Wilcox. 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 31 October 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 15 November 2024. Both documents are attached to this Direction.
3. The hearing panel have considered the Applicant’s 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, Chayla Walker by 9am on **Monday 3 February 2025** and shall be released to all parties no later than 5pm **Wednesday 5 February 2025**.

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, **Wednesday, 12 February 2025** 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, 18 February 2025** 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 section 42A of the RMA, the reporting planner shall provide an addendum S42A hearing report to the Council's Hearings Advisor no later than midday, **Friday, 21 February 2025** 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 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, **Wednesday, 26 February 2025** 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 will be held at Auckland Council's Manukau Civic Centre and shall commence on **Monday 3 March 2025** and has been set down for 3 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, **Wednesday, 26 February 2025** 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 5pm, **Wednesday, 26 February 2025**. 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 maybe 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, Chayla Walker, by email at [Chayla.walker@aucklandcouncil.govt.nz](mailto:Chayla.walker@aucklandcouncil.govt.nz).



James Whetu, Chairperson

18 November 2024

To: James Whetu – Chairperson  
From: Makarena Dalton & Nick Roberts – Barker & Associates Limited  
Date: 15 November 2024  
Re: Private Plan Change 105 – Response to Hearing Direction #1

This memorandum responds to Direction #1, dated 31 October 2024, issued from the PC105 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, Goodman Nominee (NZ) Ltd’s (“Goodman”) has held direct discussions with a number of submitters, however, the amendments have not yet been agreed or finalised at this time.

Notwithstanding the above, outlined below are key amendments being considered by the Applicant team and a summary of the outcome of direct discussions with those submitters.

	Amendment / Comment	Relevant submission
1.	Amend IO.4.1 Activity table (A7) to limit office activities that are not accessory to the primary activity to a maximum cumulative total of 1,000m <sup>2</sup> GFA within the Precinct (as a permitted activity).	Railvid Properties No.2 Limited (S3) and Gloucester Industrial Park Limited (S4)
2.	Mainstream New Zealand Limited’s (“Mainstream”) relief sought that PC105 be declined, until it was satisfied that there would be no material impacts on its activities at 90 Pavilion Drive. Following direct discussion, Mainstream’s concerns have now been resolved as outlined in their correspondence to Auckland Council (refer to <b>Attachment 1</b> ). The correspondence confirms that Mainstream no longer opposes PC105, requests that their position be noted as ‘neutral’, and that they no longer wish to be heard.  For these reasons, no amendments are proposed in response to Mainstream’s submission.	Mainstream New Zealand Limited (S10)

It is highlighted to the Chair that direct discussions with other submitters are ongoing, and depending on the outcomes of those discussion, further amendments may be proposed in response to other matters raised in submissions. These would be confirmed in evidence.

## Attachment One: Correspondence from Mainstream

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**From:** [Diana Chin](#)  
**To:** [Chayla Walker](#)  
**Cc:** [Nicholas Lau](#)  
**Subject:** FW: Plan Change 105 - Summary of decisions requested notified  
**Date:** Friday, 18 October 2024 9:51:58 am  
**Attachments:** [image002.png](#)  
[image004.png](#)  
[SXH-143941-73-19-1 PC 105 Submission Form Mainstream New Zealand Limited.pdf](#)  
[Mainstream NZ Ltd Submission on PPC105.pdf](#)

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Good morning Chayla,

We've received the below email for submitter #10. They no longer wish to be heard.

Good morning Nic,

I've saved a copy of the below email in the 04 Hearings folder.

Regards,  
Diana

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**From:** Louise Orton <louise.orton@hmlaw.co.nz>  
**Sent:** Thursday, October 17, 2024 1:52 PM  
**To:** Diana Chin <diana.chin@aucklandcouncil.govt.nz>; Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>  
**Subject:** FW: Plan Change 105 - Summary of decisions requested notified

Good afternoon,

We act for Mainstream New Zealand Limited and refer to the attached submission to Plan Change 105 lodged on 19 September 2024.

Since the submission, our client has been in discussions directly with the plan change proponent around the issues raised. As a result, it no longer opposes PC105. Our client remains interested in the process, however, and requests that its position be noted as 'neutral'. It also indicates that it does not wish to be heard.

Kind Regards



**Louise Orton** | Senior Associate  
[louise.orton@hmlaw.co.nz](mailto:louise.orton@hmlaw.co.nz) | 022 416 2362

**Hornabrook Macdonald Lawyers**  
Level 5, 12 O'Connell Street, Auckland Central 1010  
PO Box 91845, Victoria Street West, Auckland 1142  
[www.hmlaw.co.nz](http://www.hmlaw.co.nz)

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**From:** Diana Chin <[diana.chin@aucklandcouncil.govt.nz](mailto:diana.chin@aucklandcouncil.govt.nz)>  
**Sent:** Friday, October 11, 2024 9:14 AM

**To:** Samantha Hiew <[Samantha.Hiew@hmlaw.co.nz](mailto:Samantha.Hiew@hmlaw.co.nz)>

**Subject:** Plan Change 105 - Summary of decisions requested notified

Mainstream New Zealand Limited  
c/- Hornabrook Macdonald Lawyers  
Attn: Samantha Hiew  
[samantha.hiew@hmlaw.co.nz](mailto:samantha.hiew@hmlaw.co.nz)

Tēnā koe,

### **Acknowledging your submission on Plan Change 105 (Private) – Waitomokia Precinct**

I acknowledge receipt of your submission on the plan change. Your submission number is 10.

I am writing because Auckland Council must:

- publicly notify the availability of the summary of all decisions requested in submissions, including your submission
- invite further submissions
- provide a copy of the public notice to all submitters.

I enclose a copy of the public notice. A summarised version will be printed in the New Zealand Herald on Friday, 11 October 2024

### **You may make a further submission on Plan Change 105 (Private) – Waitomokia Precinct**

Auckland Council invites you to make a further submission in support or opposition to a matter raised in an original submission if you wish. You can email your further submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or fill in the online form available on our website [//www.aucklandcouncil.govt.nz/planchanges](http://www.aucklandcouncil.govt.nz/planchanges)

The last day for making a further submission is **Friday, 25 October 2024**.

#### **More information**

A further submission supports or opposes a submission point made by a submitter. If you make a further submission you must send a copy to the submitter within five days of making your further submission to the council.

You may receive further submissions because you are a submitter.

Visit our website for more information [//www.aucklandcouncil.govt.nz/planchanges](http://www.aucklandcouncil.govt.nz/planchanges)

If you do not have access to a computer please visit your local library or service centre. Council staff will help you view the plan change on our website.

If you have any questions about the plan change, please contact Nicholas Lau, Senior Policy Planner at [Nicholas.Lau@aucklandcouncil.govt.nz](mailto:Nicholas.Lau@aucklandcouncil.govt.nz) or on 09 301 0101.

Nāku noa, nā,

Diana Chin  
**Planning Technician**  
**Auckland-wide, Planning and Resource Consents**





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