

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 #4 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 10 February 2025, the Hearing Panel received a memorandum from the Applicant advising their fundamental concerns with the approach taken by the Section 42A reporting officer in assessing PPC105, and had sought directions from the Hearing Panel to suspend the timetable and vacate the PPC105 hearing (which was intended to start on Monday 3 March 2025), and to further engage with Council and iwi parties on the issues identified in the section 42A report.
3. The Panel considered the Applicant’s memorandum and accordingly issued Direction #3 to suspend timetable and vacate the PPC105 hearing, and for the Applicant to file a memorandum by 12pm, Monday 3 March 2025 on progress.
4. In accordance with Direction #3, a memorandum from the Applicant was received by Council’s Hearings Advisor.
5. The memorandum has informed the Hearings Panel on the Applicant’s engagement with iwi parties and Council, and has requested an extension of time to continue and complete their engagement. It is advised by the Applicant that they will be in a position to report back to the Panel by 31 March 2025.
6. The Panel have considered this extension of time request, and the Chair directs the Applicant to file a memorandum with the Council’s Hearings Advisor, Chayla Walker, by 12pm, Monday 31 March 2025.

The memorandum will report on progress of their further engagement with Council and with iwi parties, and will advise on whether the Applicant wishes to progress PPC105 to a hearing,

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.

A handwritten signature in black ink, appearing to read 'James Whetu', with a large, sweeping initial 'J'.

James Whetu, Chairperson
3 March 2025

BEFORE THE INDEPENDENT HEARINGS PANEL

IN THE MATTER

of the Resource Management Act 1991 ("RMA")

AND

IN THE MATTER

of Proposed Plan Change 105 (Waitomokia Precinct)
to the Auckland Unitary Plan (Operative in Part)

MEMORANDUM OF COUNSEL ON BEHALF OF GOODMAN NOMINEE (NZ) LTD

3 MARCH 2025

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McAugh**

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MAY IT PLEASE THE PANEL:

1. This memorandum is filed on behalf of Goodman Nominee (NZ) Ltd ("**Applicant**") in relation to its Proposed Plan Change 105 (Waitomokia Precinct) ("**PPC105**").
2. In accordance with Direction 3, the purpose of this memorandum is to report on progress of the Applicant's further engagement with the Council and iwi parties. This memorandum also seeks directions from the Hearings Panel for a further reporting date.
3. The Applicant appreciates the Hearings Panel's directions to suspend the timetable and vacate the hearing to enable further engagement between the parties, and the Hearings Panel's patience in this regard.
4. As outlined in the Memorandum of Counsel filed by the Applicant on 10 February 2025, the Applicant has fundamental concerns with the approach taken by the reporting officers in assessing PPC105 in the section 42A report. These concerns remain.
5. Since Direction 3 was issued:
 - (a) The Applicant has continued to engage with the relevant iwi parties productively, and this engagement is ongoing.
 - (b) The Applicant has sought to engage with Auckland Council regarding the concerns raised within the Memorandum of Counsel. However, Auckland Council has refused to meet, indicating that the Applicant's concerns should instead be addressed through the hearing process.
6. In order to allow for the Applicant to continue its productive engagement with the iwi parties and to seek (again) to meet with Auckland Council, the Applicant respectfully requests a further reporting date of 31 March 2025. By this point, the Applicant expects to be in a position to confirm whether it wishes to progress to a hearing.
7. It is respectfully requested that the Hearings Panel issue directions to require a report back from the Applicant by 31 March 2025.

Dated 3 March 2025



Daniel Minhinnick / Louise Espin
Counsel for Goodman Nominee (NZ) Ltd