

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

**AND**

**IN THE MATTER** of Plan Change 102 & Plan Modification 15 to introduce nine Sites and Places of Significance to Mana Whenua to Schedule 2 of the Auckland Unitary Plan (Operative in Part) and introduce five Māori Heritage Sites to Appendix 2f of the Auckland Council District Plan - Hauraki Gulf Islands Section

**HEARING DIRECTION #4 FROM THE HEARING PANEL**

1. Pursuant to sections 34 and 34A of the RMA, Auckland Council (the Council) has appointed a Hearing Panel consisting of three independent hearing commissioners - Mark Farnsworth (Chairperson), Nicholas Manukau and David Mead. The Hearing Panel's function is to hear the application and submissions and make a decision on the Plan Change and Plan Modification proposals. It is also to deal with any procedural matters.
2. Plan Change 102 seeks to:
  - introduce nine Sites and Places of Significance to Mana Whenua to Schedule 12 of the Auckland Unitary Plan (Operative in Part) ("the Unitary Plan");
  - changes to two other schedules in the Unitary Plan are proposed to recognise the association mana whenua have with scheduled Outstanding Natural Features and Historic Heritage Places in Schedules 6 and 14.1 of that plan;
  - a name change is proposed to one already scheduled Historic Heritage Place.
3. Plan Modification 15 seeks to:
  - introduce five Māori heritage sites to Appendix 2f of the Hauraki Gulf Islands ("HGI") section of the Auckland Council District Plan;
  - amend wording to the appendix;
  - amend wording to Part 7.13 of the HGI section.
4. The hearing has been set down for two days: Wednesday 12 February and Wednesday 19 February 2025. This is to enable the submitters to present their submissions to the Hearing Panel.
5. In terms of procedural matters, section 41B of the RMA provides that the Council may direct that evidence from any expert be provided to the parties before the hearing. Section 42A of the RMA provides that the Council may prepare a report on the matters

to be considered and be provided prior to the hearing. The Hearing Panel is aware that a section 42A report is being prepared by the Council.

6. The Chairperson has considered whether any directions are appropriate under either or both of sections 41B and 42A.
7. On 16 October 2024, the panel directed the council to provide the section 42A hearing report to the Council's Hearing Advisor no later than 9am, **Monday 9 December 2024** and that the report will be on the Council's website no later than 5pm on Wednesday **11 December 2024**. The reporting planner has advised the Hearings Manager that they are still having discussions with Ngati Whatua and other parties about the proposed plan change provisions. To ensure a robust S42A report is produced, the planner has sought a one-week extension.
8. The hearing panel has considered this request and agrees that a robust S42A report is imperative and has agreed to the one-week extension. The other dates remain the same.
9. Accordingly, the Hearing Panel amends its earlier directions and now directs:
  - (a) Pursuant to section 42A of the RMA, the section 42A hearing report shall be provided to the Council's Hearings Advisor no later than 9am, **Wednesday 18 December 2024** and the report will be on the Council's website no later than 5pm that same day.
  - (b) Pursuant to sections 41B(3) and (4) of the RMA, any person 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 Hearing Advisor no later than no later than 12pm (noon) on **Friday 24 January 2025**. The submitter's expert evidence will be on the Council's website no later than 5pm on that same day.
  - (c) Pursuant to section 42A RMA, the Council may, in response to the expert evidence provided by submitters, provide an updated set of plan provisions (track changes) as an addendum to the Section 42A report no later than 12pm (noon) on **Monday 3 February 2025**. The Council's addendum to the section 42A report be posted on Council's website no later than 5pm on that same day.
10. 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 Hearing Advisor no later than 12pm (noon) on Friday 7 February 2025.
11. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than 12pm (noon) on Friday 7 February 2025. The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
12. 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.

Any enquiries regarding these Directions or related matters should be directed to the Council's Senior Hearing Advisor, by email at [patrice.baillargeon@aucklandcouncil.govt.nz](mailto:patrice.baillargeon@aucklandcouncil.govt.nz).

A handwritten signature in black ink, appearing to read 'Mark Farnsworth', written in a cursive style.

Mark Farnsworth MNZM  
Chairperson  
5 December 2024