

**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 12 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

## **DIRECTION 5 OF THE HEARING PANEL**

### **CONFERCING**

1. Pursuant to section 34 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. Just prior to the close of work on 18 December 2024 the Section 42A Report was circulated to all parties. In the Report, the report's author Mr Matthew Gouge, notes:

*"The Council team is willing to engage in mediation or expert caucusing on all sites, should this be considered desirable by the Hearing Panel"*<sup>1</sup>

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<sup>1</sup> Section 42A Report at [170]

6. On reviewing the Section 42A Report the panel gained the clear perception there are matters that could, potentially be progressed, by further conferencing; in particular, identifying the following matters which could benefit from further conferencing:
  - New provisions for *Mana Whenua Responsive Design* which have been proposed for the historic sections of Waipapa Awa. The proposed provisions have not yet been discussed with all of the relevant submitters<sup>2</sup>;
  - The nominated site extent for Manukapua;
  - The nominated site extent for the Pahurehure Islands.
7. In this instance the panel wishes to accept the offer of the Council team to facilitate engagement in further conferencing. The purpose of the further conferencing would be to allow the parties to address: the sites, any issues identified and the ability to discuss them and potentially reach an agreement on the approach to be adopted.
8. The Council team will determine the actual sessions to be held and the Section 42A Report author Mr Gouge should attend the conference sessions. The conference sessions ought to be completed by the end of January 2025. It may also be that conferencing, or other alternative dispute resolution processes, may occur at later stage.
9. The Hearing Panel directs that conferencing is undertaken in general accordance with the Environment Court Practice Note 2023. Experts participating in the conferencing are to make themselves available to appear at the hearing in person if required to do so by the Hearing Panel.
10. If conferencing takes place, the Council's Reporting Officer shall prepare a joint statement on behalf of all the experts having participated. The joint statement shall be circulated to the parties by the Hearings Advisor on or prior to Friday 7 February 2025. As the evidentiary timeline previously directed remains unchanged, parties wishing to address any new evidence put forward through the joint statement may do so at the hearings.
11. While these directions cannot compel all the parties to agree to take part in the conferencing sessions or compel expert witnesses to attend and participate, we strongly recommend that they do so. These sessions will provide an opportunity to clarify and narrow the issues in contention. This should ensure that the hearing is more efficient than if the conferencing sessions were not held.

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).



Mark Farnsworth MNZM  
Chairperson  
9 January 2025

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<sup>2</sup> Ibid at [278 -279]