

**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 #5 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. The hearing of Private Plan Change 105 (PPC105) was set down for three days starting Monday 1 March 2025.  
However, on 10 February 2025, the Panel received a memorandum from the Applicant outlining concerns with the approach taken by the section 42A reporting officer, and signaled the potential of withdrawing PPC105.
3. That memorandum requested that the hearing of PPC105 be vacated to allow the Applicant time to engage with Council, and with iwi parties, to understand and respond to the issues and concerns raised. Accordingly, the Panel issued Direction #3 to suspend the timetable and vacating the hearing of PPC105, with a direction to the Applicant to file a memorandum by Monday 3 March 2025 with an update on progress.
4. On 3 March 2025, the Hearing Panel received a memorandum from the Applicant informing on their progress with Council and iwi parties, and requested an extension of time to continue and complete their engagement.
5. The Panel considered the Applicant's memorandum and accordingly issued Direction #4, directing the Applicant to file a memorandum by 12pm, Monday 31 March 2025 with an update on progress.
6. In accordance with Direction #4, a memorandum from the Applicant was received by the Council's Hearings Advisor on 31 March 2025.
7. The memorandum has informed the Hearings Panel on the Applicant's ongoing and productive engagement having continued with iwi parties since the issuing of Direction #4. However, the Panel are advised that the Applicant's concerns remain with the

approach taken by Council in the section 42A report, and therefore have made the decision to withdraw their PPC105

8. The Panel acknowledges the Applicant's withdrawal of the application for PPC105. The matter is now closed.
9. 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).

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

James Whetu, Chairperson  
1 April 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)

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

**31 MARCH 2025**

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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 Proposed Plan Change 105 (Waitomokia Precinct) ("**PPC105**").
2. In accordance with Direction 4, the purpose of this memorandum is to report on progress of the Applicant's further engagement with the Council and iwi parties, and to advise whether the Applicant wishes to progress PPC105 to a hearing.
3. The Applicant acknowledges and appreciates the Panel's patience. Since Direction 4 was issued, ongoing and productive engagement has continued with iwi parties. However, the Applicant's fundamental concerns remain with the approach taken by Council in the section 42A report (as outlined in the Applicant's Memorandum of Counsel dated 10 February 2025).
4. As a result, the Applicant has made the decision to withdraw this plan change request and no longer pursue it. This is a decision that the Applicant has not taken lightly.
5. The purpose of this plan change for the Applicant was to recognise the cultural, spiritual and historical values of mana whenua and their relationship to the land and waterbodies in and around Waitomokia, while continuing to allow the efficient use and development of the site in a manner consistent with the operative zoning and surrounding environment. The existing site is already live zoned "Business-Light Industry" under the Auckland Unitary Plan, which enables a range of industrial activities to occur currently. PPC105 is unique in that it involves a landowner seeking to impose additional restrictions (instead of more enabling provisions which is more typical of private plan changes) through the introduction of a precinct, to apply in addition to the underlying live zoning. For example, the additional provisions that the Applicant sought in PPC105 included:
  - (a) protection of Waitomokia's steep inner slopes and crater crest, by imposing a 7.9ha no build and no excavation area;
  - (b) landscape buffers areas adjoining Ōruarangi esplanade reserve and the adjacent pā;

- (c) additional yard setbacks;
  - (d) no build areas;
  - (e) reduced building heights;
  - (f) vehicle access restrictions to limit heavy vehicle traffic generation to Ōruarangi Road;
  - (g) special information requirements to support resource consent applications relating to landscape planting, riparian planning and archaeological assessments;
  - (h) enhanced stormwater treatment with the incorporation of best practice engineering solutions and treatment train design principles;
  - (i) requirement for rainwater capture; and
  - (j) the use of inert building materials.
6. The operative light industrial provisions that currently apply to the site enable a range of industrial activities (including buildings to a height of 20 metres across the entire site) without the protections proposed by PPC105.
7. The Applicant undertook an extensive and constructive consultation process over the past two years, including a range of iwi parties and numerous other stakeholders. The purpose of the consultation was to develop a masterplan for the site that also fulfilled the wider objectives to recognise and protect the unique cultural values in and around Waitomokia.
8. Despite this plan change not progressing, the Applicant still intends to develop a highly sustainable urban logistics estate that reflects the form of development contemplated by the proposed plan change, and the Applicant will continue to engage with the iwi parties and other stakeholders in this regard. From the Applicant's perspective, withdrawing PPC105 is a disappointing planning outcome and a missed opportunity to better recognise and embed cultural values for this area within the Auckland Unitary Plan.
9. The Applicant therefore respectfully requests that:
- (a) PPC105 be withdrawn in its entirety; and

- (b) the Hearings Panel issue directions to confirm the withdrawal of PPC105.

**Dated** 31 March 2025



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