

21 July 2023

Direct Dial: 09 977 6993

To the Submitters

Tēnā koe

PLAN CHANGE – NOTICE OF HEARING

Applicant	41-43 Brigham Creek JV
Private Plan Change	86
Application description	to rezone 5.2 Hectares of land at 41 -43 Brigham Creek Road, Whenuapai from Future Urban Zone (FUZ) to Residential Mixed Housing Urban (MHU) with a Stormwater Management Area Flow 1 control (SMAF1) applicable to the site.

The above proposed private plan change will now be heard by Hearing Commissioners **Janine Bell (Chairperson)**, **Nigel Mark-Brown** and **James Whetu** at a hearing to be held as follows:

Date: Tuesday 31 October and Wednesday 1 November 2023

Time: 9.30am

**Venue: Henderson Council Chamber
Level 2, Civic Building
3 Smythe Road, Henderson, Auckland**

NOTE: some venues have restricted access at the main entrance such as stairs. If you require assistance with alternate access, please inform the Hearings Advisor prior to the hearing day.

You are invited to attend the hearing where the Hearing Commissioners will consider submissions in support of/opposing the application. Attendance via MSTeams is available on request, by contacting the hearings advisor.

Please note the commissioners will carry out a site visit, individually or together, either before, during or after the hearing which may involve them going on to the application site and, if necessary, submitters' sites. During the site visit, the commissioners will not speak to any of the parties directly about the application's merits.

The chair issued a second direction on 12 July 2023 to allow for expert conferencing to take place and as such, amended the evidence exchange timetable for pre-circulated evidence. The second Direction is attached. In accordance with the Direction, evidence is now due to be received by the Hearings Advisor as follows.

Key Dates for this hearing	
Council S42a report available	Has already been released
Applicant's evidence due	Friday, 22 September 2023 by midday
Submitters expert evidence due	Friday, 6 October 2023 by midday
Applicant's rebuttal evidence and any addendum S42A report due	Monday, 16 October 2023 by midday

Submitter non-expert evidence requested	Monday, 16 October 2023 by midday
Opening legal submissions requested	Thursday, 26 October 2023 by 5pm
Appearance forms returned	Friday, 6 October 2023

The officer's report and evidence has been made available on council's website at:

<https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/Hearing-documents.aspx?HearingId=682>

As per the direction the following apply:

- (a) **The council** officer's report (section 42A) has already been released.
- (b) **The applicant** is required to provide all its briefs of evidence by 12 noon on **Friday, 22 September 2023**. You will be advised once the evidence is available.
- (c) **Any submitter** proposing to call expert witnesses is required to provide briefs of their evidence by **12 noon Friday, 6 October 2023**. An expert is a professional such as a planner, traffic engineer or similar.

Submitter non-expert evidence and legal submissions have been requested to be provided by **12 noon on Monday, 16 October 2023**

The submitter is required to provide:

- 1 hard copy of the evidence
- 1 soft copy - briefs of evidence to be provided via email or on a data stick, each file should be less than 10Mb.

Electronic copies of evidence can be sent to the Hearings Advisor at DS-Hearings@aucklandcouncil.govt.nz, Attn: Julie McKee

Any submitter who is providing a personal statement to read at the hearing, are encouraged to provide these electronically to the Hearings Advisor by Monday, 16 October 2023. This will allow for contactless exchange of evidence and enable parties, whether in attendance or participating virtually to view the material prior to the hearing. If you have not provided the statement in advance of the hearing, please bring 10 hard copies with you.

- (d) A short-written summary for briefs of evidence in excess of 10 pages is helpful. It is likely the commissioners will request that this at least is read at the hearing.
- (e) Email will be the address for service for the submitters unless advised otherwise.
- (f) If the hearing is held virtually, or you plan to attend virtually, please ensure your evidence is provided to the Hearings Advisor electronically before the hearing commences. The panel members will have already read your original submission and they will have that in front of them at the hearing.

If you wish to attend the hearing, please fill in the attached appearance form and return it to me by Friday, 6 October 2023.

The safety and wellbeing of our customers, team members and communities in Auckland is important to us. If you are sick or have COVID-19 symptoms, please do not attend the hearing in-person.

For those participants who cannot attend in person or who wish to attend virtually, please let the Hearings Advisor know as soon as possible before the hearing and they will send you a MSTeams link prior to the hearing.

Please do not hesitate to contact me on 09 977 6993 if you have any questions in relation to this hearing.

Ngā mihi

A handwritten signature in black ink, appearing to read "Julie McKee". The signature is written in a cursive style with a large initial 'J' and a long horizontal stroke at the end.

Julie McKee
Kaiwhakahaere Whakawātanga
Hearings Manager

