

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

AND

IN THE MATTER of **Private Plan Change 110** – Heights Road, Pukekohe
to the Auckland Unitary Plan

HEARING DIRECTION #2 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 – Richard Blakey (Chairperson), Bridget Gilbert and Vaughan Smith (Hearing Panel). 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 19 August 2025 the Hearing Panel directed the Applicant to file a memorandum outlining what, if any, changes they recommend to the proposal and outline which changes are in response to which submissions. The Applicant filed the memorandum on 26 August 2025. Both documents are attached to this Direction.
3. The Hearing Panel have considered the applicants memorandum and accordingly directs the following:
 - (a) Pursuant to section 42A of the RMA, the section 42A hearing report is to be released to all parties no later than 5pm **Monday 8 September**.

The Hearing Panel is not able to direct the section 42A hearing report to include an assessment of the revised provisions as that would be contrary to Part 2 of Schedule 1 of the RMA.

- (b) Pursuant to sections 41B(1) and (2) of the RMA, the Applicant's expert evidence (evidence given by a professional with specialist qualifications and experience) is to be provided to the Council's Senior Hearings Advisor no later than **midday, Monday 15 September 2025** and will be made available to the parties and on the Council's website no later than 5.00pm the same day.
 - (c) Should changes to the Plan Change be proposed by the Applicant the evidence provided in (b) must include a section 32AA report and reasons why any proposed changes are in scope.

- (d) Pursuant to sections 41B(3) and (4) of the RMA, any submitter 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 Senior Hearings Advisor no later than **midday, Monday 22 September 2025** and will be made available to the parties and on the Council's website no later than 5.00pm the same day.
 - (e) Pursuant to section 42A of the RMA, the reporting planner shall provide an addendum section 42A hearing report to the Council's Senior Hearings Advisor no later than **midday, Monday 29 September 2025** and will be made available to the parties and on the Council's website no later than 5.00pm the same day
 - (f) Pursuant to sections 41B(1) and (2) of the RMA, any rebuttal evidence to be provided by the Applicant is to be provided to the Council's Senior Hearings Advisor no later than **midday, Thursday 2 October 2025** and will be made available to the parties and on the Council's website no later than 5.00pm the same day
 - (g) The hearing shall commence at 9.30am on **Monday 6 October 2025 with Tuesday 7 October 2025 set aside as an overflow day.**
- 4. 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 Senior Hearings Advisor no later than midday, **Thursday 2 October 2025** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day.
 - 5. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than midday, **Thursday 2 October 2025**. The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
 - 6. 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 may be read out or the key points highlighted.

7. Any enquiries regarding these Directions or related matters should be directed to the Council's Senior Hearings Advisor, Sam Otter, by email at sam.otter@aucklandcouncil.govt.nz.

A handwritten signature in blue ink, appearing to read 'R Blakey', with a stylized, cursive script.

Richard Blakey, Chairperson
28 August 2025

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

AND

IN THE MATTER of **Private Plan Change 110 – Height Road, Pukekohe** to the Auckland Unitary Plan

HEARING DIRECTION #1 FROM THE HEARING PANEL

1. Pursuant to section 34A of the RMA, Auckland Council (the Council) has appointed the chair of the Hearing Panel – Richard Blakey (Chairperson). The hearing panel members will be appointed shortly. The Hearing Panel's function is to hear the private plan change 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. In summary, Private Plan Change 110 has been submitted by GBar Properties Limited (the Applicant) and seeks to rezone 5.35 hectares of land at Pukekohe from Future Urban Zone to Business - Light Industry Zone, and to apply the Stormwater Management Area Flow 1 – "SMAF1" control to the plan change land.
3. Before the hearing timetable is set down, the Chair directs the Applicant to file a memorandum outlining what, if any, changes they recommend to the proposal and outline which changes are in response to which submissions. This memorandum should be lodged with the Council's Senior Hearings Advisor, Sam Otter, by 4pm, Tuesday 26 August 2025.
4. The reason for this is, in accordance with Part 2 of Schedule 1 of the RMA, any modifications to the plan change application must be made prior to the Council considering the request under clause 25 of Schedule 1. As this private plan change has already been notified, the Council's section 42A report will be based on the private plan change as notified. The Chair, in setting the hearing timetable, will take into consideration the extent of any proposed changes to ensure all parties have sufficient time to prepare for the hearing.
5. Any enquiries regarding these Directions or related matters should be directed to the Council's Senior Hearings Advisor, Sam Otter, by email at sam.otter@aucklandcouncil.govt.nz.



Richard Blakey, Chairperson
19 August 2025

**Before the Auckland Council
Independent Hearing Panel**

UNDER The Resource Management Act 1991

IN THE MATTER of Private Plan Change 110 (Heights Road) to the Auckland
Unitary Plan (Operative in Part)

**Memorandum of Counsel on behalf of GBar
Properties Limited**

Dated: 26 August 2025

Presented for filing by:



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MAY IT PLEASE THE PANEL

Introduction

1. This memorandum is filed by Counsel for GBar Properties Limited (**Applicant**) in response to Hearing Direction #1, dated 19 August 2025, which sought advice of any changes to the Plan Change 110 (PC 110) proposed by the Applicant since notification of the PC 110.
2. The memorandum also provides an update on engagement with submitters to facilitate scheduling of the hearing.

Status of the Plan Change Request

3. The Applicant confirms that no changes are proposed to Private Plan Change 110 as publicly notified.
3. The Plan Change continues to seek:
 - (a) Rezoning of 5.35 hectares of land at Heights Road, Pukekohe from Future Urban Zone to Business – Light Industry Zone (BLIZ); and
 - (b) Application of the Stormwater Management Area Flow 1 (SMAF1) control over the plan change land.
4. Given the straightforward nature of the rezoning and overlay application, the Applicant considers that the existing provisions of the Auckland Unitary Plan provide the appropriate planning framework for managing future development of the site. Further, none of the submissions received have raised matters that warrant changes to the notified proposal.

Submissions and engagement

5. The Applicant notes that Ngāti Te Ata have advised, by way of formal correspondence (**attached**), that their submission concerns have now been resolved.
6. The Applicant is also continuing engagement with Auckland Transport to finalise a legal agreement addressing transport-related matters. Discussions are well advanced and resolution is anticipated shortly.

7. In addition, the Applicant has met with Watercare to further discuss the points raised in its submission and to ensure a clear understanding of their position and options for resolving any outstanding concerns raised in Watercare's submission.
8. Based on the engagement with submitters the Applicant remains of the view that a one-day hearing will be sufficient.

Conclusion

9. As there are no changes to the notified plan change, the Applicant respectfully confirms that the Hearing Panel may proceed to set the hearing timetable based on the notified version of Plan Change 110.

A handwritten signature in blue ink that reads "JL Beresford". The signature is written in a cursive, flowing style.

JL Beresford, Counsel for
GBAR PROPERTIES LIMITED

ATTACHMENT ONE: LETTER FROM NGĀTI TE ATA



NGAATI TE ATA WAIOHUA

*“Ka whiti te raa ki tua o rehua ka ara a
Kaiwhare i te rua”*

AUCKLAND COUNCIL
Unitary Plan Department
Attention: Joy La Nauze

21/07/2025

By email: Joy.LaNauze@aucklandcouncil.govt.nz

PRIVATE PLAN CHANGE 110 - 9, 33 AND 49 HEIGHTS ROAD, PUKEKOHE

Ngāti Te Ata is a mana whenua iwi of Pukekohe and a submitter (Submission No. 2) on Private Plan Change 110 (PC110), which seeks to rezone 5.35 hectares of land at 9, 33 and 49 Heights Road Pukekohe from Future Urban Zone to Business - Light Industry Zone and apply the Stormwater Management Area Flow 1 (SMAF-1) control to the plan change land.

Ngāti Te Ata's submission raised concerns with PC 110, including the lack of consultation and expressed a wish to be better informed. The Submission also sought that a comprehensive cultural impact assessment (CIA) be undertaken by Ngāti Te Ata and that further discussions be undertaken with Ngāti Te Ata to fully understand how the matters raised in Ngāti Te Ata's submission and recommendations and CIA report have been provided for.

Since lodging its submission Ngāti Te Ata has engaged constructively with the applicant for PC 110 including, undertaking a site visit, providing a CIA and having further discussions and correspondence regarding the matters raised in the CIA and reached agreement on how these can be addressed as the site is developed in the future (i.e. at resource consent stage).

As a result, Ngāti Te Ata considers that the concerns raised in its submission have been addressed and no longer requests to be heard at the hearing.

Please contact me if you have any questions.

Karl Flavell

Te Taiao (Manager Environment)
Ngāti Te Ata
Pukekohe

Ph: 027 932 8998

karl_flavell@hotmail.com

cc: Gbar Properties Limited
c/- Woods
Attention: Joanne Sunde
By email: jo.sunde@woods.co.nz