

**BEFORE THE HEARING COMMISSIONERS
FOR AUCKLAND COUNCIL**

**PLAN CHANGE 109 (PRIVATE)
WHENUAPAI GREEN**

IN THE MATTER	of a request for a plan change under clause 21 of schedule 1 of the Resource Management Act 1991
APPLICANT	Neil Construction Limited
APPLICATION SITE	98-100 and 102 Totara Road, Whenuapai, Auckland

**MEMORANDUM OF COUNSEL FOR THE APPLICANT SEEKING DIRECTIONS
REGARDING WITNESS ATTENDANCE AT HEARING**

DATED 23 JULY 2025

Solicitor

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May it please the Hearing Panel

- 1 The applicant, Neil Construction Limited, filed expert evidence in support of its plan change request in respect of the following matters:
 - (a) ecology
 - (b) transport
 - (c) stormwater
 - (d) water supply and wastewater
 - (e) landscape
 - (f) urban design
 - (g) acoustics
 - (h) heritage
 - (i) economics; and
 - (j) planning.

- 2 Having read the section 42A report, the addendum to the section 42A report, and the evidence filed by submitters on the plan change it is apparent there is no issue between the parties in respect of:
 - (a) landscape
 - (b) urban design; and
 - (c) heritage.

- 3 Accordingly, we respectfully request directions that Mr Pryor (landscape), Ms White (urban design), and Mr Clough (heritage) be excused from attending the hearing on the basis that their evidence is taken as read. If the Commissioners are minded to excuse Mr Pryor,

Ms White, and Mr Clough, then these witnesses can be available on call to answer the Commissioners' questions that arise during the course of the hearing (if any).

- 4 In addition, in our memorandum dated 8 July 2025 at [10], we sought leave to rely on the reports lodged with the plan change request and not file evidence in chief or call expert witnesses in respect of site contamination or geotechnical matters. The basis for this request is that no issues were raised in requests for further information, submissions or the section 42A report in respect of those matters. Following the release of the addendum to the section 42A report, we confirm those matters continue to be uncontested.
- 5 If a response to these requests for directions could be made by 12pm on Friday, 25 July 2025 it would be greatly appreciated to enable proper arrangements to be made for the hearing.

Dated 23 July 2025



P Senior/V J Toan
Counsel for Neil Construction Limited