

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

AND

IN THE MATTER of **PC109 @ 98-100 & 102 Totara Road, Whenuapai** to
the Auckland Unitary Plan

DIRECTION #6 FROM THE HEARING PANEL

HEARING MANAGEMENT

1. Pursuant to section 34A of the RMA, Auckland Council (the Council) has appointed a Hearing Panel consisting of three independent hearing commissioners – Mark Farnsworth (Chairperson), Dr Lee Beattie and Alan Pattle to hear the application and submissions and make decisions on the PC109.
2. The hearing was convened on Tuesday 29 July 2025. In opening the hearing, the Panel noted that after reading the evidence placed before us, we had identified a higher order key issue in contention that needed to be resolved. Namely the water / wastewater infrastructure pre-requisites, effectively trigger points, that needed to be in place that would allow development to take place.
3. Following Direction 5 of the Hearing Panel three Expert Witness Conferences sessions were held facilitated by Ms Marlene Oliver and Joint Witness Statements prepared.
4. Legal Counsel for the applicant filed a Memorandum on 11 September 2025 seeking directions from the panel. Counsel noted:

“The applicant considers there is sufficient information available to enable the Panel to make a decision without further hearing time, and a resumed hearing would not elicit any new information that was not canvassed in joint witness conferencing”.

5. The applicant sought the following directions:
 - (a) *Auckland Council (in its reporting capacity) file a memorandum confirming whether or not it has changed its recommendation to the Commissioners that the plan change be declined by 26 September 2025;*
 - (b) *if the Council has not changed its recommendation:*
 - (i) *the applicant file written closing submissions attaching the final precinct provisions and precinct plans that it wishes to have approved by 10 October 2025; and*
 - (ii) *the hearing be closed following receipt of the applicant’s closing submissions.*

6. After reviewing the Joint Witness Statements and considering the applicant memorandum the panel directs:
 - (a) Auckland Council (in its reporting capacity) is to file a statement addressing the Section 42A Report (and addendum) recommendation in light of the evidence placed before the hearing and the matters recorded in the Joint Witness Statements. That statement is to be filed with the Hearings Administrator no later than the close of work on Thursday 25 September 2025;
 - (b) The applicant is to file written closing submissions attaching final precinct provisions and precinct plans, with the hearings Administrator no later than the close of work on Friday 10 October 2025.
7. At this point in time, it is the panel's initial view that there may be no need to reconvene the hearing. A final decision on whether there is a need to reconvene the hearing will be made on 26 September 2025.
8. Any enquiries regarding these Directions or related matters should be directed to the Council's Hearings Advisor Mr Bevan Donovan, by email at bevon.donovan@aucklandcouncil.govt.nz .



Mark Farnsworth MNZM
Chairperson for the Panel
12 September 2025