

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

**AND**

**IN THE MATTER** of **Private Plan Change 49** – Fulton Hogan Land Development Limited - land generally bounded by Waihoehoe Road, Drury Hills Road and Fitzgerald Road (Drury East) to the Auckland Unitary Plan – Operative in Part.

## **DIRECTIONS FROM THE HEARING PANEL**

### **HEARING DATES AND EVIDENCE EXCHANGE**

1. Pursuant to section 34 and 34A of the RMA, Auckland Council (the Council) has appointed a Hearing Panel consisting of independent hearing commissioners - Greg Hill (Chairperson), Mark Farnsworth and Karyn Kurzeja. Other commissioners may be appointed when a particular area of expertise is required. The Hearing Panel's function is to hear the application and submissions and make a decision on the Plan Change proposal.
2. This Hearing Panel has also been appointed to hear private plan changes 48, 50, 51, 52, 58 and 61 all of which are within the Papakura Drury area. The hearing schedule for all of these private plan changes, including evidence exchange dates, can be found on council's [website](#).
3. Plan Change 49 seeks, in summary to:
  - Rezone 184 hectares of land in the area generally bounded by Waihoehoe Road, Drury Hills Road and Fitzgerald Road, from Future Urban to 2 hectares of Business: Mixed Use zone, 22 hectares of Residential: Terrace Housing and Apartment Buildings zoning; 65 hectares of Residential: Mixed Housing Urban zoning and 95 hectares of Residential: Mixed Housing Suburban zoned land.
4. The hearing has been scheduled for the **Wednesday 11 to Tuesday 17 August 2021** (with the 16 and 17 August 2021 as 'overflow' hearing days if required). The hearing venue and times will be advised at a later date.
5. In terms of procedural matters, section 41B of the RMA provides that the Council may direct that evidence from any expert be provided to the parties before the hearing. Section 42A of the RMA provides that the Council may prepare a report on the matters to be considered and be provided prior to the hearing. The Hearing Panel is aware that a section 42A report is being prepared by the Council.

6. Accordingly, the Hearing Panel directs as follows:
- (a) Pursuant to section 42A of the RMA, the section 42A hearing report is to be made available to the parties and on the Council's website no later than **5.00 pm, Thursday 17 June 2021**.
  - (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 Hearings Advisor no later than **midday, Tuesday 13 July 2021** and will be made available to the parties and on the Council's website no later than **5.00 pm, Tuesday 13 July 2021**.
  - (c) 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 Hearings Advisor no later than **midday, Tuesday 27 July 2021** and will be made available to the parties and on the Council's website no later than **5.00 pm, Tuesday 27 July 2021**.
  - (d) 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 Hearings Advisor no later than **midday, Wednesday 4 August 2021** and will be made available to the parties and on the Council's website no later than **5.00 pm, Wednesday 4 August 2021**.
7. 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 Hearings Advisor no later than **midday, Tuesday 27 July 2021** and will be made available to the parties and on the Council's website no later than **5.00 pm, Tuesday 27 July 2021**.
8. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than **midday, Wednesday 4 August 2021**. The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
9. 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 maybe read out or the key points highlighted.

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

A handwritten signature in black ink, appearing to read "Greg Hill", followed by a period.

Greg Hill Chairperson

31 March 2021