

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

**AND**

**IN THE MATTER** of **Private Plan Change 61** – Lomai Properties Limited for land in the area generally bounded by Jesmond Road and Future Urban Zoned land to the east, Oira Road to the west, Future Urban Zoned land to the north and Karaka Road/State Highway 22 to the south (Drury West) to the Auckland Unitary Plan – Operative in Part.

### **DIRECTIONS FROM THE HEARING PANEL**

#### **REVISED HEARING DATES AND REBUTTAL EVIDENCE EXCHANGE AND PROVISIONS OF LEGAL SUBMISSION**

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. The Hearing Panel's function is to hear the application and submissions and make a decision on the Plan Change proposal. It is also to deal with any procedural matters.
2. The hearing for this Plan Change was scheduled for **Monday to Wednesday 4 – 6 October 2021**. However, due to the Covid level 3 restrictions announced by the Government<sup>1</sup> remaining in place until (at least) 11.59 pm Tuesday 5 October 2021, the hearing is not able to proceed on these dates.
3. The hearing (face-to-face) has been re-scheduled for **Wednesday to Friday 6-8 October 2021**<sup>2</sup>. The hearing venue will be the Reception Lounge of the Auckland Town Hall.
4. In the Hearing Panel's initial Direction<sup>3</sup> we set out the hearing dates and the evidence exchange timetable as well as the request for any lay submitters' presentation and legal submissions ahead of the hearing. However, the Applicant has requested<sup>4</sup> the following:

*Also as part of that [changing the hearing dates] could we seek a slight shift in the evidence dates. Submitter evidence is due this Friday and applicant rebuttal evidence and legal submissions are due next Wednesday the 29th. Counsel for Lomai are both in an on line High Court hearing on Monday 27 and Tuesday 28 September, which makes this timing incredibly tight with rebuttal and legal submissions due the next day. A two day delay in the hearing date could also apply to the exchange of evidence and legal submissions which would*

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<sup>1</sup> Announced on the 20 September, and coming into force at 11.59 pm Tuesday 21 September 2021

<sup>2</sup> Subject to being able to hold a face-to-face meeting at the relevant Covid alert level.

<sup>3</sup> 31 March 2021

<sup>4</sup> In an email dated 21 September 2021 to Mr Otter.

*provide Lomai experts and counsel an additional two days to prepare rebuttal, and guarantee that legal submissions could be pre-filed ahead of the hearing. We therefore also seek a formal change to the directions around the filing of rebuttal statements and legal submissions from 29 September to 12pm 1 October.*

5. The Hearing Panel agrees to the request sought for the reasons set out by the Applicant.
6. Accordingly, the Hearing Panel's initial Direction remains the same except for the following:
  - (a) 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, Friday 1 October 2021** and will be made available to the parties and on the Council's website no later than **5.00 pm, Friday 1 October 2021**.
7. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than **midday, Friday 1 October 2021**. The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
8. 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).



Greg Hill Chairperson  
21 September 2021