

Before the Independent Hearings Panel

In the matter of the Resource Management Act (1991)

And

In the matter of Plan Change 120: Housing Intensification and Resilience to the Auckland Unitary Plan Operative in Part (**AUP**)

Memorandum of counsel on behalf of Auckland Council to the Independent Hearings Panel in response to Direction 1 dated 11 February 2026

Date: 19 February 2026



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MAY IT PLEASE THE PANEL

Introduction

- 1 We have been instructed to act for Auckland Council (**Council**) in relation to Plan Change 120: Housing Intensification and Resilience (**PC120**) to the Auckland Unitary Plan (Operative in Part). This memorandum is filed on behalf of Auckland Council. We refer below to the Directions issued in the Minute from the Independent Hearings Panel (**Panel**), dated 11 February 2026 (**February Minute**).

- 2 At paragraph [2.2] of the February Minute, the Council was directed to provide the Panel with an update on:
 - 3.1 An indicative timeframe for when the Council anticipates being able to notify the Summary of Decisions Requested (**SDR**);

 - 3.2 An indication of how many working days will be available for the making of further submissions; and

 - 3.3 When a list of the submitters and their contact details can be provided to the Panel. This information will assist the Panel in providing submitters with early notice of any procedural hui or hearings and the likely hearing programme.

- 3 At paragraph [2.4] of the February Minute, the Council was also directed to provide an update to the Panel on:
 - 4.1 When and how the Council anticipates being able to make all submissions publicly available; and

 - 4.2 Whether any technical or administrative constraints need to be addressed to enable publication of the submissions.

5 We are instructed that the Council provides the following responses on each of these matters in this memorandum, as outlined below.

An indicative timeframe for when the Council anticipates being able to notify the SDR.

6 We are advised that the Council had provisionally indicated that the SDR report would be publicly notified at the end of February 2026. However, the Council has received approximately 10,500 submissions on PC120 which has meant that it is taking longer than expected to prepare the SDR report. The Council anticipates being able to publicly notify the SDR report for PC120 by 14 May 2026.

An indication of how many working days will be available for the making of further submissions.

7 As the Panel will be aware, the Resource Management Act 1991 (**RMA**) provides for 10 working days for further submissions to be filed, following the public notification of the SDR report. We are advised that the Council has extended this to 15 working days for further submissions to be filed on PC120. The period will close on 5 June 2026 as 1 June 2026 is a public holiday.

When a list of the submitters and their contact details can be provided to the Panel. This information will assist the Panel in providing submitters with early notice of any procedural hui or hearings and the likely hearing programme.

8 We are instructed that the Council is currently preparing a list of submitters that includes each submitter's name, submission number, address for service (which is usually an email address), postal address, phone number(s), and whether the submitter wishes to be heard. The Council intends to file this list with the Panel by Friday, 6 March 2026, if that is acceptable to the Panel. The Council can supply by 23 February 2026 a list with fewer

details (name, submission number and address for service (being e-mail or physical addresses)).

When and how the Council anticipates being able to make all submissions publicly available.

- 9 We have been instructed that the Council is working towards making all PC120 submissions (including the late submissions that have been accepted by the Panel in Direction 2) available to the Panel by Friday, 6 March 2026, so that the Panel can then take steps to make the submissions publicly available on the Panel's webpage. The Council will advise the Panel if any unforeseen technical issues affect the indicative delivery date.
- 10 We have also been instructed that the Council intends that the transmission of PC120 documentation between the Council and the Panel will occur via OneDrive. Through OneDrive, the Council will supply:
- 10.1 PDF bundles of compiled submissions in sequentially numbered groupings to minimise the total documents to be published;
 - 10.2 A list of submissions organised by submission number; and
 - 10.3 A list of submissions organised by submitter name.
- 11 The Council considers that bundled submissions will reduce the number of documents for the secretariat to upload to the Panel's website after 6 March 2026. The Council is taking care to management document size.
- 12 The Council also considers that listing submissions by submitter number, and also by submitter name, will enable readers to identify the relevant PDF document into which a particular submission is bundled.

- 13 We are also advised that additional materials will be provided by the Council on its website when the SDR is notified for further submissions, such as the electronic "find my submission" tool but that these materials are unavailable prior to the notification of the SDR.

Whether any technical or administrative constraints need to be addressed to enable publication of the submissions.

Administrative matters

Request by submitters for their name and address for service to be withheld

- 14 We are instructed that the Council has three administrative matters that it wishes to bring to the Panel's attention, the first of which relates to a request from some submitters that the Council withhold the submitter's name and address for service.
- 15 As the Panel is aware, Regulation 6 of the Resource Management (Forms, Fees and Procedure) Regulations 2003 (**regulations**) specifies that Form 5 must generally be followed for a submission on a publicly notified plan change. Form 5 requires a submitter to specify his / her / their name and an address for service, amongst other mandatory information.
- 16 We are instructed that the Council staff have advised submitters that these submission details are required to be provided to the Panel and to be made public, to enable the Panel to contact submitters, and to enable any further submitters to serve the submitter with a copy of their further submission. To date, three submitters have not responded to correspondence from the Council. The Council therefore seeks guidance from the Panel on how to approach the request from some submitters that the Council withhold the submitter's name and address for service

and keep their particular submission separate from the other submissions to be provided to the Panel at this time.

- 17 The Council respectfully suggests the Panel may wish to consider options such as directing the Council to forward to relevant submitters a direction that waivers must be sought from the Panel to withhold relevant details from any submission.
- 18 In the meantime, we are advised that the Council will keep these particular submissions separate from the other submissions to be provided to the Panel by 6 March 2026 and any other similar submissions of which the Council becomes aware through the SDR production process.
- 19 We are advised that the Council is concerned that inclusion of the submitters' details in the submitters list to be provided to the Panel, and transmission of the submissions for publication on the Panel's website, would undermine the submitters' requests.

Submissions that appear to be incomplete

- 20 We are further advised that the Council has received four submissions that are incomplete. In this regard, Form 5 information is absent or unclear making it difficult to ascertain the relief sought by submitters. The submission numbers the Council has identified as appearing to be incomplete are #1379, #1384, #1385 and #5071. For example, #5071 requests all of the following relief: the plan change is accepted, accepted with amendments (none specified), declined, and declined with amendments, however, no amendments are specified.
- 21 The Council respectfully suggests a possible approach is to request that these submitters re-submit their submissions in order to ascertain whether the Council has received their full submission or that the Panel determines any incomplete submission to be invalid.

Annotations

22 The third administrative matter relates to the submissions that will be provided to the Panel by 6 March 2026 for publication. The Council advises that these submissions will be annotated with:

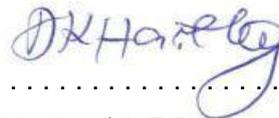
- 22.1 A unique submission number;
- 22.2 Pagination for each submission; and
- 22.3 Limited redactions, to redact any offensive or sensitive material.

23 When the Council notifies the SDR report for further submissions, all submissions will be annotated with all necessary redactions.

Directions sought

24 The Council respectfully seeks the Panel's guidance regarding the approach it should take to the requests by certain submitters for their name and address for service to be withheld and how to appropriately manage the matter in relation to submissions that appear to be incomplete.

Date: 19 February 2026



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PC120