

## **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**)

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**Memorandum of counsel on behalf of Auckland Council in response to Hearing Direction 5 from the Independent Hearings Panel dated 11 May 2026**

**Date: 21 May 2026**

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## MAY IT PLEASE THE PANEL

### Introduction

- 1 As the Independent Hearings Panel (**Panel**) is aware, we act for Auckland Council (**Council**) in relation to Plan Change 120: Housing Intensification and Resilience (**PC120**) to the Auckland Unitary Plan Operative in part (**AUP**). The purpose of this memorandum is to respond to the Panel's Hearing Direction 5, issued on 11 May 2026 (**Direction 5**).
- 2 In paragraph 1.1 of Direction 5, the Panel outlined it had received a memorandum from the Council providing a copy of the letter received from the Minister Responsible for RMA Reform, Hon Chris Bishop and the Minister of Conservation, Hon Tama Potaka (**Ministers**) on 30 April 2026 as well as the amended direction to the Council to use the Streamlined Planning Process (**SPP**) for PC120 (**Ministers' amended direction**).
- 3 In paragraph 1.2 of Direction 5, the Panel further outlined it had understood the Council intends to give public notice on 14 May 2026 of the summary of decisions requested (**SDR**) in submissions on PC120 and that submitters are likely to be preparing to review the SDR in the expectation of lodging further submissions.
- 4 In paragraph 1.3 of Direction 5, the Panel also noted that in steps 4 and 9 of the Ministers' amended direction, the Ministers directed the Council that it must not provide an opportunity for further submissions in accordance with clauses 8 and 8A of Schedule 1 of the Resource Management Act 1991 (**RMA**).
- 5 As the Panel will be aware, further submissions are submissions made after the SDR has been notified and may only support or oppose the decisions sought in an original submission. There will not be an opportunity for further submissions as directed by the Ministers. However, there will be an additional submission opportunity for existing submitters to request additional or

different changes to the plan change and any amendments proposed by the Council. There is also an opportunity for new submitters to submit.

6 In paragraph 1.4 of Direction 5, the Panel directed the Council to confirm how it proposes to communicate to the submitters / public there will not be an opportunity for further submissions on PC120 (whether in the form of a public media release and / or correspondence directly to submitters).

7 This memorandum provides the Council's response to Direction 5.

**How the Council proposes to communicate to submitters and the public that there will not be an opportunity for further submissions on PC120**

8 We are instructed that the Council has already communicated and will continue to communicate to submitters and the public that there will be no opportunity for further submissions on PC120, focusing on informing existing PC120 submitters of the change in submission processes, through the following channels:

8.1 Through the Council's PC120 webpage;

8.2 Correspondence to all existing PC120 submitters; and

8.3 The "AK Have your Say" webpage.

9 Each of these are addressed further below.

### **The Council's PC120 webpage**

- 10 We are advised that the Council has set up an alert in a yellow banner at the top of the Council's "PC120: Housing Intensification and Resilience" webpage on Friday 8 May 2026.<sup>1</sup> The alert reads:

*The government changed the [Resource Management Act](#) to reduce the minimum housing capacity that PC 120 must enable. The plan change process was amended by the law change and ministers' direction to the council, which is available under '30 April 2026' in the timeline section. The statutory 'Further submission' process under the RMA will not apply. Instead, PC 120 will be publicly notified a second time for submissions open to everyone, including submissions on any amendments the council may propose.*

*Visit [Legislation gives more flex for Auckland's PC120](#) on the New Zealand Government website for details.*

- 11 In addition to the alert banner outlined above, the Council will also be including a Frequently Asked Questions section on the changes to the submissions process on the Council's PC120 webpage.

### **Correspondence to all submitters**

- 12 We are also advised that the Council sent a letter to all existing PC120 submitters via email and post (for those submitters who did not make a submission via email), on 14 May 2026, alongside the notification of the SDR report.
- 13 We are instructed the letter acknowledges submitters' submissions on PC120 with reference to the submission number, outlines the changes made to the PC120 process through the Ministers' amended direction. The letter also states that while further submissions cannot be made on PC120 submissions, the

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<sup>1</sup> [PC 120: Housing Intensification and Resilience](#).

Ministers' amended direction has allowed for submissions to be made on PC120 and any proposed amendments to PC120.

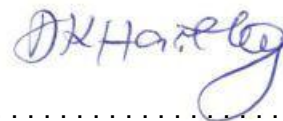
- 14 The following was made clear:
- 14.1 that the additional submission process would enable for new submissions to be made and for existing submitters to make a second/additional submission on PC120;
  - 14.2 that the Council will be publishing an SDR on existing submissions that will be available from 14 May 2026, and;
  - 14.3 that the Council will also enclose a copy of the public notice relating to the publication of the SDR.

15 The Council also had in place a communications process on 14 May 2026 to manage any media queries, if any were received.

***"AK Have your Say"***

16 We are further advised that the Council has posted an article on the "AK Have your Say" webpage outlining changes to the PC120 process according to the Ministers' amended direction.<sup>2</sup>

**Date:** 21 May 2026



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D K Hartley / A F Buchanan  
Counsel for Auckland Council

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<sup>2</sup> [Auckland's Future Housing Plan - Plan Change 120 | AK Have Your Say.](#)