

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 in response to Hearing Direction 6 from the Independent Hearings Panel dated 21 May 2026

Date: 29 May 2026



Solicitor on the record
Contact solicitor

Diana Hartley
Anne Buchanan

diana.hartley@nz.dlapiper.com
anne.buchanan@nz.dlapiper.com

+64 9 300 3826
+64 9 300 3807

Level 15, PwC Tower
15 Customs Street West, Auckland 1010
PO Box 160, Auckland 1140
Tel +64 9 303 2019

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**).
- 2 The purpose of this memorandum is to respond to the Panel's Hearing Direction 6 (**Direction 6**), issued on 21 May 2026.

Information sought from the Council

- 3 At paragraph 3.1 of Direction 6, the Panel directed the Council to provide a response to the matters set out in paragraphs 3.1(A)-(G). The Panel also outlined that Direction 6 supersedes its earlier Direction 4 and that no further response is required from the Council to that Direction.
- 4 The Panel directed the following responses from the Council:

Amendments to PC120

- A. *Confirmation of the Council's programme, including when the Council anticipates notifying its decision on whether to amend PC120 (which will commence the second round of submissions).*
- B. *If the Council decides to amend PC120, what steps will be taken to inform affected persons and/or first round submitters regarding the proposed changes.*

Second Submission Period

- C. *What the Council proposes with respect to the preparation of a submission form specific to the second submission period.*
- D. *How the Council intends to reconcile first round submissions and second round submissions, including the process to record amendments to first round submissions, and the*

potential for submitters to duplicate or repeat a first round submission in a second round submission.

- E. Preparation and notification of the SDR for the first round of submissions took approximately four months. How will the Council expedite the preparation of the SDR for the second round of submissions.*

ADR

- F. Whether any of the following aspects of PC120 are suited to ADR, and the relative priority of each ADR, given the limited time available for the hearing programme:*
- i. All resilience aspects of PC120.*
 - ii. If not all Resilience aspects, specific aspects of PC120 (for example, but not limited to, the Regional Policy Statement content, matters of methodology and definitions).*
 - iii. Intensification aspects of PC120 relating to matters of principle rather than spatial distribution of intensification (for example, the methodology for identifying walkable catchments and special character); and*
 - iv. Any other PC120 topics or provisions.*

Hearings

- G. What procedural efficiencies could assist the Panel in expediting the hearings, including whether it is practical for advanced reporting to Local Boards to enable their presentation to the Panel shortly after the close of the second submission period.*

- 5 This memorandum provides the Council's responses to matters A-G above in Direction 6.

Amendments to PC120

A ***Confirmation of the Council's programme, including when the Council anticipates notifying its decision on whether to amend PC120 (which will commence the second round of submissions).***

6 We are advised that the Council's programme, including when the Council anticipates notifying its decision on whether to amend PC120 is as follows:

- 6.1 The Council held a workshop with Councillors on 27 May 2026.
- 6.2 This workshop is to be followed by a report on 9 June 2026 to the Policy, Planning & Development Committee (**Committee**) for the Committee to select their initial preferred option on any amendments to PC120, which may include withdrawing specific elements of PC120.
- 6.3 Depending on the decision made by the Committee, at least one calendar month will be required to consult with mana whenua through iwi authorities and engage with local boards on the preferred option. The spatial elements of the preferred option for inclusion in the map viewer will take some time to prepare down to individual parcel level, together with zoning and overlays.
- 6.4 In approximately late-July, a further report would need to be prepared for the Committee to enable the Council's decision on any potential amendments to PC120 to respond to the amended housing capacity requirement in clause 4 of Schedule 3C of the Resource Management Act 1991 (**RMA**).
- 6.5 Public notification of the Council's decision on any amendments to PC120 would likely occur in August,

following the Committee's decision-making, followed by a 20-day submission period.

B If the Council decides to amend PC120, what steps will be taken to inform affected persons and/or first round submitters regarding the proposed changes.

- 7 The Council considers it will be able to engage with affected persons and/or first round submitters through the following channels:
- 7.1 The "OurAuckland" webpage will publish a short article following the Committee meeting scheduled to take place on 9 June 2026.¹ This article will give an update on the preferred option decided on by the Committee and next steps.
- 7.2 The Council's website will be updated together with an article for "OurAuckland".
- 7.3 As outlined in the Council's response to Direction 5,² all existing submitters received a letter on 14 May 2026 when the summary of decisions requested (**SDR**) was published, which provided early notice of the change in PC120 process requirements.
- 7.4 Following the Committee's decision to decide whether to propose any amendments to PC120 (and/or withdraw the plan change in part), owners and occupiers of any newly identified hazard prone land, together with existing

¹ [Auckland News and Events - OurAuckland](#).

² Memorandum of counsel on behalf of Auckland Council in response to Hearing Direction 5 from the Independent Hearings Panel dated 11 May 2026, dated 21 May 2026, at paragraphs [12]-[15].

submitters will receive a notification letter to advise of the additional submission opportunity.

- 8 Further details on process are outlined in response to the remainder of the questions below.

Second Submission Period

C *What the Council proposes with respect to the preparation of a submission form specific to the second submission period.*

- 9 We are advised that the Council has prepared a draft online submission form which will be finalised in time to support the public notification of the Council's decision on any amendments to PC120 in August 2026, and any proposed amendments. This online submission form will first need to be reviewed and approved by the Council's Chief Executive, as required by clause 10E of Schedule 3C of the RMA.

D *How the Council intends to reconcile first round submissions and second round submissions, including the process to record amendments to first round submissions, and the potential for submitters to duplicate or repeat a first round submission in a second round submission.*

- 10 We are instructed by the Council that a separate SDR will be prepared for the second submission opportunity which is expected to use a combination of artificial intelligence (AI) technology and Council staff to summarise decisions requested by submitters.
- 11 Instructions will be provided in the on-line form stating that submitters can make an additional submission if they want different or additional decisions made to what was specified in

their first PC120 submission. The draft submission form also discourages submitters from duplicating submissions.

- 12 We are advised that specific technical details are still being worked through for how the anticipated volume of data will be handled and rationalised.

E Preparation and notification of the SDR for the first round of submissions took approximately four months. How will the Council expedite the preparation of the SDR for the second round of submissions.

- 13 We are instructed that a team of staff will be established to summarise decisions requested and AI tools are currently being trialled to facilitate many of the administrative tasks associated with handling large volumes of data efficiently.

ADR

F Whether any of the following aspects of PC120 are suited to Alternative Dispute Resolution (ADR), and the relative priority of each ADR, given the limited time available for the hearing programme:

All resilience aspects of PC120.

- 14 In principle, the Council considers some resilience aspects of PC120 could be suitable for mediation. However, in cognisance of the 13-month timeframe which remains, and given the number of submitters involved and the highly technical issues underpinning the resilience aspects of PC120, the Council has concerns about whether the topic as a whole would lend itself to effective and efficient mediation processes in the timeframes available. The Council considers at this stage that the only resilience aspects of PC120 which may benefit from ADR are

those which concern the natural hazards risk management approach in relation to Māori values, rights and interests.

If not all Resilience aspects, specific aspects of PC120 (for example, but not limited to, the Regional Policy Statement content, matters of methodology and definitions).

- 15 The Council considers that while not suitable for mediation, some more technical methodology and modelling topics may benefit from expert witness conferencing, depending on how many submitters may have experts who could participate. This could include, for example the proposed risk assessment methodology.

Intensification aspects of PC120 relating to matters of principle rather than spatial distribution of intensification (for example, the methodology for identifying walkable catchments and special character).

- 16 The Council at this stage considers that intensification aspects of PC120 may not benefit from ADR processes, given the number of submitters and timeframes involved. Potentially some matters of methodology may be suitable for expert conferencing, depending on how many submitters have experts who could participate.

Any other PC120 topics or provisions.

- 17 The Council considers that no other PC120 topics or provisions are likely to benefit from ADR.

Hearings

G *What procedural efficiencies could assist the Panel in expediting the hearings, including whether it is practical for advanced reporting to Local Boards to enable their presentation to the Panel shortly after the close of the second submission period.*

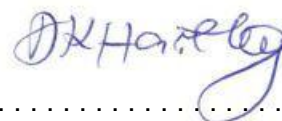
18 We are advised that the Council will seek local board views on submissions following the second round of submissions being completed. It is intended that local boards will provide their feedback on the Council's preferred option for potential amendments to PC120 between June and July.

Next Steps

19 The Council will await the Panel's determination in relation to how the hearings and any ADR programme should proceed following the Panel's invitation to submitters to respond to this memorandum, as outlined in paragraphs 5.1 and 5.2 of Direction 6.

20 The Council will also await the Panel's invitation to provide feedback on the draft schedule for any hearings and ADR in advance of the Procedural Hearing, as outlined in paragraph 5.3 of Direction 6.

Date 29 May 2026



.....
D K Hartley / A F Buchanan
Counsel for Auckland Council