

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

AND

IN THE MATTER **Intensification Planning Instruments (IPI) - Plan Change 78 to the Auckland Unitary Plan – Operative in Part (AUP-OP)**

HEARING DIRECTION (15 JUNE 2023) FROM THE INDEPENDENT HEARING PANEL

TOPIC ALLOCATION OF SUBMISSION POINTS

1. In accordance with Resource Management Act 1991 (RMA) - Part 6 Clause 96 of the First Schedule and sections 34 and 34A, the Auckland Council (the Council) has appointed an Independent Hearing Panel (IHP). The IHP has been delegated to hear submissions and make recommendations to the Council on the IPI plan changes and decisions on the non IPI plan changes.
2. The IHP has received and reviewed the Council’s Memoranda¹ with respect to “topic allocation of submission points”. The Direction sought by the Council is:

“The Council respectfully seeks that the IHP approve the Council’s suggested approach in paragraph 4 above, and confirm that it agrees that the Council is not required to renotify the Council’s SDR [Summary of Decisions Requested].”
3. Paragraph 4 of the Council’s Memorandum sets out the process and steps the Council will take regarding topic allocation of submission points.
4. The IHP approves the Council’s suggested approach, with an additional step. The IHP directs that, in the event the Council and submitter cannot agree on the allocation, that this is referred to the IHP to make a decision on that allocation.
5. The IHP also agrees that the Council is not required to renotify the Council’s SDR for the reasons set out in the Memorandum.
6. Any enquiries regarding this Direction, or related matters, should be directed to the Senior Hearing Advisor, Mr Sam Otter by email at npsudhearings@aucklandcouncil.govt.nz

Greg Hill Chairperson



15 June 2023

¹ Dated 15 June 2023

Before the Independent Hearings Panel

In the matter of the Resource Management Act 1991 (**RMA**)

And

In the matter of Proposed Plan Change (**PC**) 78: Intensification to the Auckland Unitary Plan Operative in Part (**AUP**)

Memorandum of counsel on behalf of Auckland Council in response to IHP Minute dated 19 May 2023 - topic allocation of submission points

Date: 15 June 2023



Solicitor on the Record
Contact solicitor

Diana Hartley
Anne Buchanan

diana.hartley@dlapiper.com
anne.buchanan@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 This memorandum of counsel for Auckland Council (**Council**) is filed in response to the Minute from the Independent Hearings Panel (**IHP**) dated 19 May 2023 (**Minute**) regarding topic allocation of submission points.
- 2 The Minute had responded to a memorandum from the Council in relation to submission points allocated to PC 78 hearing topics that do not relate to the relevant topic or are the subject of issues being addressed by evidence in other hearing topics. The Council acknowledges that this issue has arisen due to topic-coding errors in the Council's Summary of Decisions Requested (**SDR**) report.
- 3 Council staff have liaised with the IHP's secretariat (Ms Sprott – the Independent Hearings Panel Manager) as directed by the IHP in paragraph 7 of the Minute. As a result of discussions with Ms Sprott, the Council has a suggested approach for engaging with affected parties in relation to the proposed topic allocation of submission points, and for reallocating submissions points where this is accepted by affected submitters. The Council suggests a feedback opportunity to enable affected submitters to suggest an alternative topic allocation if they disagree with the Council's suggested allocation.

Council's suggested approach

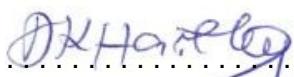
- 4 The Council proposes to undertake the following steps to correct the Council's SDR Report;
 - 4.1 review the Council's SDR report and identify any submission points that are allocated to an incorrect topic, having regard to the IHP's parties and issues reports;

- 4.2 contact submitters with submission points allocated to an incorrect topic, and propose to move the submission point to a different topic (enabling submitters to participate with others in hearing of similar matters, including the opportunity to present joint cases if they choose), unless the submitter confirms otherwise by a specified date;
 - 4.3 inform further submitters of proposed topic allocations affecting primary submission points on which their further submissions rely;
 - 4.4 consider any alternative topic suggested by an affected submitter;
 - 4.5 update the Council's SDR, with any corrections that are accepted by submitters including any alternative allocations agreed between affected submitters and the Council, and with the inclusion of the IHP's topic numbers, and to make the Council's corrected SDR available online;
 - 4.6 advise the IHP when the corrected Council SDR is available online.
- 5 The Council considers that its proposed approach will ensure that submitters are able to have their say on their submission in the most appropriate topic(s).
 - 6 The Council is not proposing to renotify the Council's SDR, as notification has already occurred and further submissions have already been received in relation to decisions requested in submissions on Plan Change 78 – Intensification.

Directions sought

- 7 The Council respectfully seeks that the IHP approve the Council's suggested approach in paragraph 4 above, and confirm that it agrees that the Council is not required to renotify the Council's SDR.

Date: 15 June 2023



.....

D K Hartley / A F Buchanan

Counsel for Auckland Council for
proposed Plan Change 78