

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

AND

IN THE MATTER **Intensification Planning Instruments Plan Changes (IPI) and related Regional Policy Statement and Plan Changes to the Auckland Unitary Plan – Operative in Part (AUP-OP)**

DIRECTION (17 April 2023) FROM THE HEARING PANEL

RESPONDING TO THE COUNCIL’S MEMORANDA (DATED 14 APRIL 2023) RELATING TO:

DEFERRING HEARINGS ON NATURAL HAZARDS AND STORMWATER MANAGEMENT AND INFRASTRUCTURE.

1. In accordance with the 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. It’s delegations also include addressing any procedural matters.
2. The IHP has received the Council’s Memorandum¹ seeking that the IHP directs deferral of the following hearings topics:
 - 009J Qualifying Matters A-I - Significant Natural Hazards;
 - 010C Qualifying Matters - (Other) Natural Hazards (less significant);
 - 012D Qualifying Matters - (Infrastructure) - Stormwater disposal constraint; and
 - 015A Residential - Low Density Residential Zone (as it relates to natural hazards and stormwater management and infrastructure provision).
3. The IHP has the letter from the Minister for the Environment granting the Council’s request for a one-year extension based upon natural hazards, stormwater management and infrastructure provision. The IHP is unclear on how the Council will now be addressing natural hazards, stormwater management and infrastructure provision; but it has advised the IHP in earlier Memoranda the scope of work it plans to undertaken and the time frame.
4. On the above basis, the IHP directs the deferral of the hearings of the topics set out above; as well as any related alternative dispute resolution processes.
5. The IHP has not provided any re-scheduled hearing dates for these topics. It will do this once the Council process for addressing these matters is known, and the implication on the overall hearing schedule has been determined in light of the one- year extension.

¹ Dated 14 April 2023

6. Any enquiries regarding this Direction, or related matters, should be directed to the council's Senior Hearing Advisor, Mr Sam Otter by email at npsudhearings@aucklandcouncil.govt.nz.

A handwritten signature in black ink, appearing to read "Greg Hill", followed by a period.

Greg Hill Chairperson

17 April 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 the Independent Hearing Panel's Procedural Minute dated 13 April
2023**

Date: 14 April 2023



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MAY IT PLEASE THE PANEL

Introduction

- 1 This memorandum of counsel is filed on behalf of Auckland Council (**Council**) in relation to the Independent Hearings Panel's (**IHP**) Procedural Minute dated 13 April 2023 (**Minute**) relating to the 12-month extension granted by the Minister for the Environment to the time for making a decision on PC78 so that the Council can undertake natural hazards and flooding investigations work and formulate a planning response. The Minute relevantly records that:

The IHP will now need to consider the implications of the 12-month extension granted by the Minister in terms of the hearing process and schedule already established. Once the IHP has met, we will inform the parties of any decisions or processes to be undertaken.

- 2 This memorandum seeks directions in relation to PC78 Hearing Topics that relate to natural hazards and stormwater management and infrastructure provision which have imminent hearing steps that have been scheduled (such as the exchange of evidence).

Directions sought

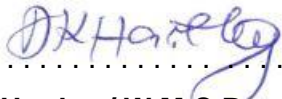
- 3 The following PC78 Hearing Topics relate to natural hazards and stormwater management and infrastructure provision:
 - 3.1 Topic 009J Qualifying Matters A-I - Significant Natural Hazards;
 - 3.2 Topic 010C Qualifying Matters - (Other) Natural Hazards (less significant);
 - 3.3 Topic 012D Qualifying Matters - (Infrastructure) - Stormwater disposal constraint; and

3.4 Topic 015A Residential - Low Density Residential Zone (as it relates to natural hazards and stormwater management and infrastructure provision).

4 Evidence exchange for these topics is currently scheduled to commence in May (Topics 009J and 012D), June (Topic 010C) and July (Topic 015A). Hearings for these topics are currently scheduled in June (Topic 009J), July (Topics 010C and 012D) and August (Topic 015A).

5 Given these imminent hearing steps, the Council respectfully requests that the IHP directs deferral of the hearings for Topics 009J, 010C, 012D and 015A (as it relates to natural hazards and stormwater management and infrastructure provision).

Date: 14 April 2023


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D K Hartley / W M C Randal
Counsel for Auckland Council for
proposed Plan Change 78