

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 (20 JUNE 2023) FROM THE HEARING PANEL

HEARING PANEL’S DIRECTION IN RESPONSE VARIOUS CORRESPONDENCE FROM PARTIES REGARDING PC78 - CITY CENTRE HEARING TOPICS 016A AND 020A – 020I – HEARING TIMETABLE STEPS AND SCHEDULING

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. Its delegations also include addressing any procedural matters.
2. The IHP has received various correspondence from a number of parties to the ‘City Centre’ hearings. The issues include: deferring the hearings (scheduled for 12-14 September 2023); providing more time for the hearings (6 rather than 3 days); adding more hearing topics (The Council’s Memorandum dated 19 June 2023); and whether or not the expert conferencing scheduled for 3 and 4 July 2023 should proceed.
3. The IHP has decided (and directs accordingly) to defer the hearings for this topic from the dates currently scheduled. This is to enable the IHP to determine; what hearing topics should be included; how many days will be required; and to enable more time for expert conferencing. No hearing dates have been rescheduled at this time.
4. The IHP’s Direction¹ - Hearing Panel’s Direction in response to the Auckland Council’s memorandum requesting a pause of all hearings and alternative dispute resolution processes for PC78 stated²:

In light of the information to be provided above [in relation to the variations proposed], the IHP also seeks Council’s view (at the time the information is provided) as to what other hearings (not already identified in the attached table) could be heard in 2023 on the basis that that hearing topic would not be impacted by the scope of the proposed variations.

¹ Dated 19 May 2023

² Paragraph 10

5. Prior to rescheduling the City Centre hearings, the IHP proposes to wait until the Council has reported back on what other hearings it considers may be able to proceed in 2023. This may require a 're-think' of the current hearing schedule.
6. The IHP also directs that the expert conferencing already agreed by the parties and the facilitator (3 and 4 July 2023) proceed. The IHP acknowledges that two 2 experts are unable to attend. However, the IHP understands that considerable effort went into agreeing those dates, and no alternative dates have been agreed. As the IHP has deferred the hearings (and obviously the evidence exchange dates), there will be more time for additional expert conferencing should the parties seek this.
7. 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

20 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**)

And

In the matter of City Centre Hearing Topics 016A and 020A – 2021

**Memorandum of counsel on behalf of Auckland Council regarding
PC78 City Centre Hearing Topics 016A and 020A – 020I –hearing
timetable steps and scheduling**

Date: 19 June 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 PC78 City Centre Hearing Topics 016A – Business – City Centre Zone provisions and City Centre Precincts Topics 020A–020I which are currently scheduled for hearing on 12-14 September 2023.

2 The purpose of this memorandum is to respectfully seek:

2.1 A short delay in the timetable steps and hearing of the City Centre Topics currently scheduled for 12-14 September; and

2.2 That two additional topics being Topics 010F Qualifying Matters - (Other) City Centre Character Buildings and 010G Qualifying Matters - (Other) City Centre Built Form controls also be scheduled for hearing at the same time.

Context and reasons for the request

3 The Council is aware of email communications from counsel for Viaduct Harbour Holdings Limited suggesting that the City Centre Topics should be set down for six hearing days rather than the three currently scheduled.

4 The Council is further aware of the memorandum filed on behalf of The Parc Bodies et al proposing a new timetable for the Topic 020G Precincts - I211 Viaduct Harbour Precinct hearing.

5 Counsel for the Council has also been liaising with the Council's planning witnesses for the City Centre Topics. We are advised that Topics 010F and 010G, which relate to proposed 'other' qualifying matters within the City Centre are fundamental to the City Centre topics, and that the Council's preference is for Topics

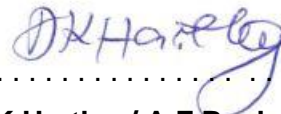
010F and 010G to be heard at the same time as the other City Centre Topics, as was originally proposed.

- 6 In light of the other communications from parties involved in the hearing of the City Centre Topics, the Council would support the timetable for all the City Centre Topics being collectively pushed back slightly in line with the timetable suggested by counsel for The Parc Bodies et al in the Viaduct Harbour Precinct hearing.
- 7 The Council also considers in light of the number of topics to be heard that some extra hearing time beyond the three days currently allocated may be needed.

Directions sought

- 8 For the reasons set out in this memorandum the Council respectfully seeks directions from the IHP rescheduling the timetable steps and hearing for the City Centre Topics and directing that Topics 010F Qualifying Matters - (Other) City Centre Character Buildings and 010G Qualifying Matters - (Other) City Centre Built Form controls are also heard at the same time, given their interrelated nature.

Date: 19 June 2023



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D K Hartley / A F Buchanan

Counsel for Auckland Council for
proposed Plan Change 78