

**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 (12 MAY 2023) FROM THE HEARING PANEL**

**HEARING PANEL'S PRELIMINARY DIRECTION IN RESPONSE TO THE AUCKLAND COUNCIL'S MEMORANDUM REQUESTING A PAUSE OF ALL HEARINGS AND ALTERNATIVE DISPUTE RESOLUTION PROCESSES FOR PC 78**

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 a Memorandum from Auckland Council<sup>1</sup> requesting a pause of all hearings and alternative dispute resolution processes (ADR) for PC 78. The reasons for this were set out in the Memorandum, with the final paragraph stating:

*For the reasons set out in this memorandum it is therefore respectfully requested that the IHP pauses the current hearing and alternative dispute resolution / expert conferencing processes for all topics under PC78 for the time-being and counsel is available to attend a conference at short notice to discuss this request. We also respectfully suggest that consideration be given at any conference as to whether there are any PC78 topics that are considered discrete enough to be considered at this time.*
3. The IHP held a Conference<sup>2</sup> in which the views of the Council<sup>3</sup> and a number of submitters were provided via written statements and presentations. Those views varied from pausing the entire PC 78 hearings and ADR process, continuing with the current hearings and ADR schedule (i.e., not pausing), and partially pausing and continuing with some PC 78 hearings and ADR processes.
4. Given the current uncertainty with respect to the timing and scope of the two proposed variations to be advanced by the Council (as set out in the Council's statement presented at the Conference<sup>4</sup>), and the range of views as to which topics may or may not be able to proceed prior to the variations being notified, the IHP considers it appropriate to not schedule any PC 78 hearings at this time.

---

<sup>1</sup> Dated 21 April 2023

<sup>2</sup> 3 May 2023

<sup>3</sup> Including the Auckland Council's Memorandum in response to matters raised at conference on request to pause PC78 held on 3 May 2023 – dated 5 May 2023

<sup>4</sup> Natural hazards and the Auckland light rail corridor

5. This pause of hearings is an interim position. The IHP is currently working through the complexities of which hearing topics could proceed now to ADR and hearing on the basis that they are discrete enough (i.e., less likely to be significantly impacted by the proposed variations) and be heard prior to the foreshadowed variations being notified and merged with PC 78 (per clause 16B of Schedule 1 to the RMA).
6. Once it is determined what, if any, hearing topics can proceed the IHP will issue another Direction. We will do this as soon as possible. We acknowledge this of itself creates further uncertainty, but the IHP needs the time to fully work out and understand what topics can proceed (if any) and the implications of this.
7. Notwithstanding our preliminary Direction above, the IHP directs that the following scheduled ADR continue, but with all other ADR postponed at this time.
  - 010J - Māori Cultural Heritage - Pukekiwiriki Pā and Pararēkau Island (second session requested by the parties).
  - 016A – City Centre Zone Provisions (but not 014A – Walkable Catchments Intensification Response).
  - 020A - 1201 – Britomart Precinct.
  - 020G- 1211 – Viaduct Precinct.
  - 020I- 1214 – Wynyard Precinct.
  - 020AL – 1540 – Takapuna Precinct.
8. To avoid any doubt, this preliminary Direction does not affect PCs 79, 80 and 82 which are yet to be heard. Further direction regarding PC 79 will be issued shortly.
9. 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](mailto:npsudhearings@aucklandcouncil.govt.nz).



Greg Hill Chairperson

12 May 2023