



20 February 2024

The Chair,

Independent Hearing Panel

Auckland Council

Dear Mr Casey,

I am writing to express the grave concerns which we, and a number of our member groups, have about the timetable for hearings for Plan Change 78 which the Hearings Panel has scheduled.

Last week, we convened a meeting of our member groups who are mainly affected by the Plan Change. We have over 60 member groups, including many of the residents associations and heritage groups throughout Auckland.

The meeting was attended by representatives from twelve groups as follows:

- Balmoral Residents Assn Inc
- Civic Trust Auckland
- Devonport Heritage Inc
- Eden-Epsom Residential Protection Society Inc
- Freemans Bay Residents Assn Inc
- Herne Bay Residents Assn Inc
- Remuera Heritage Inc.
- Remuera East Residents Group
- St Marys Bay Association Inc
- Seaview Rd Residents Group
- South Epsom Planning Group
- Takapuna Residents Association Inc

The purpose of the meeting was to prepare for the hearing of submissions which the Panel has scheduled for this year. The primary topic for most member groups is Topic 011 (Special Character), though our submissions cover a number of other topics as well.

All present expressed serious concerns about the cost to community groups of these hearings proceeding. Between them, and together with Character Coalition Inc., the groups which attended the meetings plan to call a total of at least fourteen witnesses at the hearings. Some witnesses will be giving evidence for several groups.

Topic 011, which is of particular concern to us, is set down to occupy nine days of hearing time. Other topics in which we, and our member groups, will need to participate include Topics 008 (Urban Renewal), 012 (Qualifying Matters – Infrastructure), 013 (Qualifying matters- additional), 014L (Height next to SCAR), 015A (Residential – Low Density Zone), 017 (Walkable Catchments), Topic 019 (Centres -3d response) and Topic 046 (Light Rail Corridor).

One of our member groups has calculated that it will need to budget for 25-30 days of hearing time to have representation at all the topics in which it needs to participate.

We estimate that expert witness costs for just these groups will cost \$250000. Most groups will also be incurring significant legal costs for lawyers to represent them at the hearings. These could easily amount to another \$250,000.

This means that hearing costs to community groups will total over half a million dollars, and quite possibly more than that. There is no public funding available for these costs.

Our Coalition and our member groups have already raised, and spent, a lot of money in participating in the process to date, including having our expert witnesses attend conferencing and our lawyers represent us in procedural conferences which the Panel has convened.

While we are now embarking on yet another round of fund-raising, we are very concerned about the fairness of this process, and the hearings proceeding at this time. In particular:

1. Our opponents, such as Kainga Ora and the Ministry of Housing and Development, have access to unlimited public funds. We have no access to funds other than those we can raise from our communities.
2. The Government has announced (and the Coalition agreement between National and ACT has confirmed) that the legislation will be amended to allow Councils to withdraw the MDRS component of the Plan Change. We are also urging Government to enable the whole of Plan Change 78 and associated Plan Changes to be withdrawn by Council. We do not wish to waste our time and what funds we can raise on preparing for, and participating in, hearings which may be rendered pointless (at least in part) once the legislation is amended. We do not want to see Council having to waste ratepayers money on this either.
3. About this time last year, following the devastating floods which affected Auckland, the hearings were postponed for a year to enable Council to produce a Variation to the Plan Change to identify additional areas that are unsuitable for intensification because of flooding, and also to include provisions for the then (now abandoned) proposed Light Rail

Corridor. Not only has that Variation not eventuated, our groups (at least) have not even been consulted on its contents. The Light Rail proposal has now been cancelled.

4. Almost all of the above groups have flooding and other infrastructural issues in their areas. Balmoral, which has two Special Character Areas, is almost entirely within the Light Rail Corridor exclusion. How are we supposed to address these issues at hearings in the absence of any information about Council's proposals for them?

We believe that to proceed with the hearings now would be quite unreasonable and unfair to submitters and ask that, in these circumstances, the Panel further defers the hearings until these matters are clarified. We look forward to your early response.

We have copied this letter to the Mayor of Auckland, and the Hon. Simeon Brown, Minister for Auckland, for their information.

Yours sincerely,


Sally Hughes

Chair

Character Coalition Inc.

Cc:

Hon Simeon Brown, Minister for Auckland

Wayne Brown, Mayor of Auckland Council