

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

AND

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

DIRECTION (7 AUGUST 2023) FROM THE HEARING PANEL

HEARING PANEL’S DIRECTION IN RESPONSE TO THE AUCKLAND COUNCIL’S MEMORANDUM DATED 1 AUGUST 2023¹ - REGARDING 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 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 change (PC 78). Its delegations also include addressing any procedural matters.
2. The IHP has received the Memorandum from Auckland Council responding to its Direction dated 5 July 2023 – Hearing Panel’s Direction in Response to the Auckland Council’s Memorandum Requesting a Pause of all Hearings and Alternative Dispute Resolution Processes for PC 78.
3. The IHP notes that ongoing work is progressing on the two variations - Natural Hazards and the Auckland Light Rail Corridor (ALRC). The Memorandum sets out the work that has been done, as well as the work that still needs to be undertaken.
4. The IHP directs that the Council report back to the IHP on the Council’s work programme for both variations no later than **30 October 2023**. That report back needs to provide the definitive notification dates for those variations. If those dates cannot be provided, the IHP will be scheduling the hearings of the submissions on the ALRC and natural hazards. This is necessary to enable the IHP to hear and make its recommendations on those submissions within the time limits imposed by the Minister for the Environment.
5. 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

7 August 2023

¹ Responding to Hearing Panel direction of 5 July 2023

Before the Independent Hearings Panel

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

And

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

**Memorandum of counsel for Auckland Council in response to Hearing
Panel direction of 5 July 2023 regarding pause request**

Date: 1 August 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**) responds to the direction of the Independent Hearings Panel (**IHP**) of 5 July 2023 to report back to the IHP no later than 1 August 2023 on the Council's scope of and work programme for two variations to Proposed Plan Change 78: Intensification (relating to natural hazards and the Auckland Light Rail Corridor (**ALRC**)).¹

- 2 The IHP's direction follows an earlier direction dated 19 May 2023 that the Council report back to the IHP by no later than 4 July on the following:
 - 2.1 The progress in establishing and agreeing the scope of the two variations (relating to natural hazards and the ALRC);
 - 2.2 The work the Council has already undertaken on the variations;
 - 2.3 The work still to be completed on the variations and their timeframes; and
 - 2.4 The likely notification dates of the variations.

- 3 The purpose of this memorandum is to update the IHP as directed following the Governing Body meeting on 27 July 2023 regarding the Council's progress in advancing the variations.

¹ Direction (5 July 2023) from the IHP at [6].

Progress in establishing and agreeing the scope of the two variations

- 4 In relation to the progress the Council has made in establishing and agreeing the scope of variations to PC78 relating to natural hazards and the ALRC, counsel for the Council are advised that work is progressing in respect of the ambit and content of the variations.

Work programme for the variations

Work undertaken

- 5 Counsel for the Council are advised in relation to work undertaken for the natural hazards variation since 4 July 2023 that:
- 5.1 A paper relating to public consultation for the 'Making Space for Water' programme was reported to the Governing Body at its 27 July 2023 meeting. The paper contains public engagement materials, timeframes and communication channels for engagement all commencing on 3 August 2023. Whilst directly for the purpose of informing the development of the Tamaki Makaurau Recovery Plan and Making Space for Water, the public consultation will also assist with the progression of natural hazard changes to the Auckland Unitary Plan. Resolution number GB/2023/138 approved the implementation of this public consultation programme.
- 5.2 Since 4 July 2023 council officers have completed corrections to rapid building assessment placard data to enable GIS analytics to begin to be run. These corrections have been to ensure that all placard² data is

² Following a rapid building assessment, a property will receive either a white (no access restrictions), yellow (access restricted), or red placard (access prohibited).

spatially accurate to the land or structure affected. GIS analytics now being run enable a more detailed review of consented developments under the AUP that in turn were the subject of placards. Additionally underway is detailed project planning and the design of a draft natural hazards engagement plan specifically for changes to the AUP.

- 6 In respect of work undertaken by the Council regarding the ALRC since 4 July 2023, we are advised that the Council is progressing work on the extent of walkable catchments under Policy 3(c) of the National Policy Statement on Urban Development 2020 and on some land use scenarios for different proposed station locations.

Work still to be completed

- 7 Counsel for the Council are advised in relation to work still to be completed and likely timeframes that:

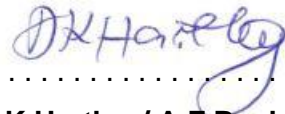
7.1 In terms of natural hazards a Planning, Environment and Parks (**PEP**) Committee workshop is being scheduled for 30 August in order to workshop the content of the draft natural hazards engagement plan specifically for changes to the AUP.

7.2 In terms of a variation for the ALRC, workshops are also scheduled with the PEP Committee at the end of August to update them on the project and to discuss possible land use scenarios around some of the proposed station locations. Iwi engagement on the ALRC variation is planned to start in late August 2023.

7.3 The indicative programme timeline for preparing and notifying a variation to PC78 for the ALRC was set out at paragraph 6.5 of the Council's memorandum dated 4 July 2023.

7.4 This timeline was predicated on the lodgement of the Notices of Requirement for the light rail route and stations in August 2023. The Council now understands that the Notices of Requirement may not be lodged in August and the Council will need to consider how this might impact on the project timeline.

Date: 1 August 2023



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D K Hartley / A F Buchanan
Counsel for Auckland Council for
Proposed Plan Change 78