

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 seeking deferral of
Topic 046 Light Rail Corridor hearing and timetable steps to later in
hearing schedule**

Date: 11 March 2024



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MAY IT PLEASE THE PANEL

Introduction

- 1 The Independent Hearings Panel (**IHP**) will be aware that Auckland Council (**Council**) recently wrote to the Minister of Housing, Infrastructure, Resource Management Reform and the Minister for the Environment (**Ministers**) on 1 February 2024, and that the correspondence contains a request to the Minister for the Environment under s80M of the Resource Management Act 1991 (**RMA**) seeking a further one-year extension of time for the Council to notify its decisions on the IHP recommendations on Plan Change 78: Intensification (**PC78**) from 31 March 2025 to 31 March 2026.
- 2 The purpose of this memorandum is to respectfully request the deferral of the Topic 046 Light Rail Corridor hearing and evidence exchange dates to later in the IHP's hearing schedule, in light of the Council's recent correspondence with the Ministers.

Context for the request

- 3 In the latest version of the IHP's hearing schedule (updated 7 February 2024) the Topic 046 Light Rail Corridor hearing is scheduled for 22-24 May 2024 inclusive. According to the hearing schedule, the Council's primary evidence is due on Monday 15 April 2024, submitter evidence is due on Tuesday 30 April 2024, rebuttal evidence is due on 14 May 2024 and legal submissions are due on Friday 17 May 2024.
- 4 We are instructed that a response has yet to be received from the Ministers to the Council's recent correspondence. However, in its recent letter to the Ministers, the Council made the following references to the Auckland Light Rail Corridor:
 - *The Government has recently terminated the Auckland Light Rail project. That means we will now need to*

implement the IPI along this corridor (having 'carved it out' from the original plan change until the route and station locations were known). However, given the uncertainties around whether the MDRS provisions will remain mandatory, it seems imprudent to progress a variation to the IPI at this stage

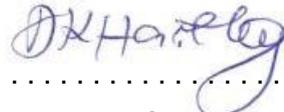
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The immediate concern for us is the imminent hearing in May on Topic 046 – Light Rail Corridor and the need to complete analysis and evidence. The council's costs alone are estimated to be in the order of half a million dollars per month for the various IPI hearings, let alone those of the independent hearings panel and submitters. The council's expert evidence is due to be submitted to the Panel from mid-April onwards, so these costs are already being incurred.

- 5 We are instructed that the Council is currently awaiting government direction before it can progress a planning response for the corridor. We are advised that this will involve all necessary consultation, including that required by clause 3 of Schedule 1 of the RMA. We understand that consultation under clause 3 of Schedule 1 of the RMA did not occur in relation to the Light Rail Corridor when PC78 was being prepared.
- 6 In light of the matters outlined above, the Council respectfully seeks a deferral of the Topic 046 hearing and associated evidence exchange steps to later in the IHP's hearing schedule to

give time for a response from the Ministers and government direction to be received.

Date: 11 March 2024



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Proposed Plan Change 78