

Before the Independent Hearings Panel

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

And

In the matter of Plan Change 78: Intensification (**PC78**) to the
Auckland Unitary Plan Operative in Part (**AUP**)

**Reporting memorandum of counsel on behalf of Auckland Council to
the Independent Hearings Panel in response to the Direction from the
Independent Hearing Panel dated 16 September 2024**

Date: 2 December 2024



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MAY IT PLEASE THE PANEL

Introduction

- 1 This memorandum is filed on behalf of Auckland Council (**Council**) in response to the Direction from the Independent Hearing Panel (**Panel**) dated 16 September 2024 (**Direction**) and further to the Council's reporting memoranda dated 30 September 2024 and 31 October 2024.
- 2 In paragraph 5 of the Direction, the Panel requested the Council to provide an update on its interaction with the Minister Responsible for RMA Reform (Hon Chris Bishop) and/or the Ministry for the Environment (**Ministry**) and the status of any proposed variations to Plan Change 78: Intensification (**PC78**) by 30 September 2024 (and monthly thereafter).
- 3 More recently at the hearing on Topic 016B Metropolitan Centre Zone provisions and Topic 020AY Sylvia Park Precinct, the Panel indicated to counsel for the Council that the Panel is increasingly concerned as time goes by about the time within which the Panel has to make its recommendations to the Council and the Council has to publicly notify its decisions on submissions on PC78 given the current deadline (31 March 2026).
- 4 The Panel therefore indicated it is interested to engage with the Council about what it sees as a programme of work both at the Council end and at the Panel end to enable the completion of the hearings in a timely fashion.
- 5 The Council previously filed a memorandum on 30 October 2024 with the Panel in response to the Direction and the Council advised it would provide the next update by 29 November 2024. Accordingly, this memorandum provides a further update to the Panel regarding the matters the Council was asked to report on. The Council is not currently in a position to provide a suggested programme of work to complete the hearings; However, this

memorandum does outline below the nature of the Council's recent interactions with the Ministry, which are relevant to the matters raised by the Panel with counsel for the Council at the recent hearing on Topics 016B and 020AY.

The Council's interaction with Hon Chris Bishop and/or the Ministry

- 6 In our memorandum of 31 October 2024, we advised that we were instructed that the Council had not received any further correspondence from Hon Chris Bishop that is directly relevant to PC78. However, should the Council receive any further information from Hon Chris Bishop or the Ministry about the form of any proposed legislative amendments to the RMA that are relevant to PC78, we advised that this would be provided to the Panel as soon as practicable.
- 7 We are instructed that this remains the case.
- 8 Our instructions in relation to recent communications with the Ministry are that the Council is actively working with Ministry officials on a bespoke process to enable an integrated planning response, which comprehensively addresses issues relating to natural hazards and the new intensification policies announced by the Government in July this year. This could potentially involve the partial withdrawal of PC78 following legislative change. The Council has been doing its best to resolve this issue, and understands that relevant amendments to the RMA are being considered by Hon Chris Bishop for inclusion in the Government's second amendment Bill. The latest information the Council has is that the second amendment Bill will be introduced to Parliament in mid-December.
- 9 For this reason, the Council would prefer for additional hearings not to be scheduled at this time until the details of the proposed legislative reform are clear. However, we are instructed that if the Panel considers it is appropriate to schedule further hearings, the

Council is of course willing to engage with the Panel to develop a further hearing programme.

Status of planning responses within the Auckland Light Rail Corridor and in respect of Natural Hazards

- 10 In the Council's memorandum dated 31 October 2024, we advised that we were instructed that work continues on the Auckland Light Rail Corridor planning response and the qualifying matters in the Corridor. This work is still continuing.
- 11 We are also instructed that in addition to deliberative democracy workshops regarding risk tolerance to natural hazards with a representative group of Aucklanders in October 2024, iwi engagement workshops with storm affected communities and key stakeholder engagement have also continued into November. These activities are focused on risk frameworks and specifically risk tolerance with the results informing preparation of the Council's planning response for natural hazards, alongside technical material.
- 12 We are also advised that, at this stage, Council staff are planning further workshop time with elected members to take place in December 2024. This workshop will involve discussions relating to the phase two RMA amendment Bill, proposed changes to National Policy Statements, and the status of PC78, covering a broad range of Government reform proposals. We are further advised that Council staff may cancel the workshop if there is no new information from the Government that may affect the status of PC78 and other resource management reform proposals.

Next steps

- 13 In accordance with the Direction, the Council will provide the next update by 20 December 2024 (unless the Panel directs otherwise).

Date: 2 December 2024



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D K Hartley / A F Buchanan
Counsel for Auckland Council for
PC78