

## **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**)

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

**Date: 20 December 2024**

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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 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, 30 October 2024 and 2 December 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 The Council filed a memorandum on 2 December 2024 with the Panel in response to the Direction and the Council advised it would provide the next update by 20 December 2024.
- 4 In its Minute dated 16 December 2024, the Panel addressed the matter of progress with outstanding hearing topics and issues arising from the recently introduced Resource Management (Consenting and Other System Changes) Amendment Bill (**Bill**), which was introduced on 9 December 2024.
- 5 The Minute outlines the Panel's view that while the Bill signals changes that may reduce the scope of the Panel's work, it is clear that some matters will need to be progressed (for example, walkable catchments), and there is uncertainty about others. Also, the Minute notes it is not apparent when the Bill will be enacted, and/or the relevant provisions take effect.
- 6 In its Minute, the Panel has identified that its immediate focus will be to hear the remaining Topics relating to Qualifying Matters as they affect the Metropolitan Centre zone and precincts, with a

hearing schedule currently being prepared and that pending any new information from Council's reporting or correspondence with the Minister the Panel will need to consider resuming all remaining PC78 topics (and anticipates issuing a hearing schedule in early 2025.)

- 7 The Panel has directed that the Council's next reporting memorandum include its response to these matters, to the extent that Council is able to at this stage. The Minute notes that, in particular, the Panel is interested to know if the Council has requested (or expects) the Minister to give a further extension to the deadline currently set at 31 March 2026.
- 8 Accordingly, this memorandum provides a further update to the Panel regarding the matters the Council was asked to report on, including the matters identified in the Panel's latest Minute of 16 December 2024, to the extent that the Council is able to respond to these.

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

- 9 We are instructed that discussions are continuing at a high level between the Council, Hon Minister Bishop and officials from the Ministry for the Environment.
- 10 In our last memorandum 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.
- 11 We are instructed that this remains the case.
- 12 At paragraph 11 of its Minute the Panel queried as to whether the Council has requested (or expects) the Minister to give a further

extension to the deadline currently set at 31 March 2026 (for the Council to publicly notify its decisions on the Panel recommendations for PC78). We are advised that the Council has not requested an extension of time at this point. However, during the discussions referred to above the Council has discussed the option of a further extension as well as a bespoke arrangement for Auckland.

- 13 In the reporting memorandum dated 2 December 2024, we advised that the Council's preference was for additional hearings not to be scheduled at this time until the details of the proposed legislative reform were clear. However, we also advised that we were instructed that if the Panel considered it is appropriate to schedule further hearings, the Council was of course willing to engage with the Panel to develop a further hearing programme.
- 14 The Council notes the Panel's indication in the Minute of 16 December 2024 that its immediate focus will be to hear the remaining Topics relating to Qualifying Matters (identified in Attachment 1 to the Minute) as they affect the Metropolitan Centre zone and precincts.
- 15 We note that Topics in Attachment 1 may require expert witnesses across several topics. The Council respectfully requests additional time to consider other Topics that could be scheduled for early 2025 to assist the Panel to programme Topics in a logical sequence and confirm the availability of its witnesses. The Council will be able to complete this work and provide details to the IHP by 15 January 2025.

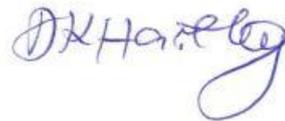
### **Status of proposed variations to PC78**

- 16 In the Council's memorandum dated 2 December 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, as well as on the natural hazards planning response. This work is still continuing.

**Next steps**

17 In accordance with the Direction, the Council will provide the next update by 30 January 2025 (unless the Panel directs otherwise).

**Date:** 20 December 2024



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