

# AUCKLAND UNITARY PLAN INDEPENDENT HEARINGS PANEL

*Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau*

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## Memo

**16 September 2014**

To: James Hassell, Auckland Council  
Corina Faesenkloet, Auckland Council  
Derek Nolan, Russell McVeagh  
Simon Pilkington, Russell McVeagh  
Douglas Allan, Ellis Gould

From: Phill Reid, Hearing Panel Planning Manager

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### **Subject: Requests to Change Provisional Hearings Schedule**

Correspondence has been received from a number of parties seeking changes to the hearings schedule. This memo addresses the following memoranda of Counsel received recently;

- Clarification of topic 026 General –others, Russell McVeagh 29 August 2014:
- City centre waterfront precincts, coastal marine zoning and order of hearing topics, Russell McVeagh 29 August 2014
- Joint memorandum on hearing topics 012 RPS economic matters and 013 RPS urban growth, Ellis Gould 2 September 2014
- Provisional hearing schedule, Auckland Council 9 September 2014
- Ports of Auckland and Auckland International Airport in response to Auckland Council's memoranda in relation to the Provisional Hearing Schedule, Russell McVeagh 12 September 2014

Before discussing in turn each of these matters, an overview of the Panel's approach to the ordering of hearing topics can be given. The Panel has sought to schedule the hearings to enable a policy cascade through hearings and deliberations. Within this cascade the Panel has also sought to enable an opportunity and constraint understanding (derived through consideration of the Auckland wide and overlay provisions) prior to zoning where possible. Where topics are structurally dependent upon PAUP provisions from different parts of the PAUP then an attempt has been made to bring submissions on these different parts together to provide a rounded context for a hearing.

It must be acknowledged however that there will be connections between hearing topics both forward and backwards in the hearings schedule. These connections cannot in many cases be drawn within a hearing. Where this is the case the Panel seeks to be made aware (through evidence) of these connections to support the carryover of deliberations (and revisiting of deliberations). The practice of deliberations needing to be carried over between hearings is both important for plan integration and will be a common approach of this Panel.

## **Topic 026 General - others**

Hearing topic 026 General – Others primarily relates to the factual mapping information (flooding) that will, it is understood, be updated on occasions. It is further understood that this will be able to be undertaken without following Schedule 1 of the Act by virtue of the mapping being non-statutory. The mapping of flood plains, flood prone and flood sensitive areas is therefore already a factual reference point for the hearing process (albeit with limitations associated with region-wide mapping versus site specific examination by hydrological engineers). **It is not considered necessary for evidence to be called on non-statutory mapped information.**

Hearing topic 022 Natural Hazards and Flooding is the forum where the merits of the objectives, policies and rules related to flooding are appropriately heard. It is expected that evidence will be produced by submitters to this hearing and connections to the non-statutory maps of flooding may be highlighted for the Panel's benefit where necessary, but the Panel does not intend to undertake its own mapping process.

No change to the hearings schedule is necessary on this matter.

## **City Centre waterfront precincts**

Memoranda of counsel from Russell McVeagh and Auckland Council seek changes to the hearings schedule, movement of sub-topics between hearings and the re-coding of submission points. In addition to the broad approach to hearings as outlined above another principle of the Panel's is that submission points that seek the amendment of PAUP text or map provisions be heard against the place that those provisions are proposed by the PAUP rather than the place identified by the relief sought. It is the responsibility of submitters to identify these connections between hearings for the Panel's benefit in deliberations across hearing topics.

The waterfront precincts as referred to in the memoranda are strongly related to the City Centre and the Hearing topics 033 and 034.

Hearings on 033 General Coastal Marine zone and activities and 034 Other Coastal zones and activities will commence with pre-hearing meetings from 17 October 2014. Expert conferencing and mediation are currently timetabled for these topics and no date has yet been set for their hearings. Hearing topic 050 City Centre has yet to have its hearing date set however it is likely to be following the hearings on topics 033 and 034.

The city centre precincts, including those to which you refer, are included as part of Hearing topic 050 City Centre due to the strong role that these particular precincts play relative to their underlying city centre zone.

On the basis that hearing topic 033 and 034 have completed their respective hearings prior to the hearing on 050 city centre there will be a clear understanding by the time of hearing 050 on the matters related to the coastal marine area. It is anticipated that attention will be drawn at these hearings to the Council submission 5716-95 so that these possible rezoning implications can be recognised.

Any submissions to 5716-95 together with any further submissions to these points will be considered as part of Hearing topic 050 City Centre (city centre rezoning sub topic). Should the Panel agree to the relief sought in 5716-95 then any consequential further deliberations on Hearing topics 033, 034 can occur to ensure the integration of recommendations.

Given the relationship of the Waitemata Navigation Channel precincts to the general coastal marine zone, the Panel accepts the movement of this sub-topic from 050 city centre to 033 General Coastal Marine Zone.

All other matters raised related to connections between these hearing topics are able to be addressed through evidence and the ability of the Panel to carry over deliberations both forwards and backwards between hearings.

### **Hearing topics 012 RPS Economic Matters and 013 RPS Urban Growth**

The Panel understands that the PAUP has been drafted to be consistent with Change 6 to the Auckland Regional Policy Statement. It is further understood that submissions by Council and the parties named within the memorandum from Ellis Gould dated 2 September 2014 are also broadly consistent with Change 6. The Panel endorses these parties commencing direct discussions now ahead of prehearing meetings on these topics. The Panel also endorse the inclusion of additional parties (as referenced in paragraph 13(f) of the Ellis Gould memorandum) such as AMP, DNZ and NZRPS in these direct discussions.

At this point it should be noted that Hearing topic 012 originally included sub-topic 27.4.1 B.2.1 Commercial and Industrial Growth (now a sub-topic within 013). Accordingly hearing topic 012 will be renamed Significant Infrastructure, Energy and Transport to better reflect hearing subject matter.

On the basis that significant opportunities exist to resolve matters on hearing topic 013 the Panel is happy to consider the provision of mediation following expert conferencing on this topic. The provisional hearings schedule will be updated now and confirmation of this will occur at the prehearing meeting for Hearing topic 013. This will require the bringing forward the expert conferencing into the week of 3 November 2014 to enable mediation to be set down for the week of 10<sup>th</sup> November 2014. The hearing dates for RPS urban growth will remain unchanged on 15-19 December 2014. No expert conferencing or mediation is considered necessary at this point on Hearing topic 012 Economic Matters (now to be renamed as Significant Infrastructure, Energy and Transport).

### **Topic 045 Airport**

The Panel agree that there are structural dependencies between the Airport Zone and a number of designation sub-topics currently within Hearing topic 074 Designations, these are;

09 – Designation 9.15 Minister of Defence

09 - Designation 9.4 Ardmore Airport Limited

09 - Designation 9.6 Auckland International Airport Limited

The above sub-topics will now be included within hearing topic 045. On the matter of timing for this hearing topic, the Panel accepts that a delay in the programme is warranted in order

that progress can be made on a signalled new Notice of Requirement and that there is agreement to a delay from Auckland International Airport Ltd, Board of Airline Representatives and the New Zealand Defence Force. The Pre-hearing meeting will be

delayed by seven weeks to now occur on 11 December 2014 with expert conferencing set down for 19 – 23 January 2015. Mediation follows on 23 – 27 February 2015.

### **Topic 008 RPS Coastal**

Notice has been sent to submitters for the prehearing meeting on 30 September 2014 and Hearing on 3-5 November 2014. Council support for mediation on this Hearing topic will need to be signalled at the prehearing meeting.

### **Topic 041 Earthworks and Minerals / Topic 023 SEA and Vegetation Management**

The Panel understand the rules (other than section H.4.2 Earthworks 2 development controls and H.4.3 Vegetation management 2 development controls) for earthworks, minerals, SEAs and vegetation management are located outside of hearing topics 041 and 023. Given the subject matter of 041 and 023 traverses sections 30 and 31 of the Act and given the approach of moving from the general to the specific, the Panel is happy with the current make up and timing of these two hearing topics.

In summary the following changes will be made to the provisional hearing schedule on the AUPIHP website:

**Waitemata Navigation Channel** - movement of this sub-topic from Hearing Topic 050 City centre to Hearing Topic 033 General Coastal Marine Zone.

**Hearing Topic 013 RPS Urban Growth** - expert conferencing brought forward into the week of 3 November 2014. Mediation set down for the week of 10<sup>th</sup> November 2014.

**Hearing Topic 045 Airport** - The Pre-hearing meeting will be delayed by seven weeks to now occur on 11 December 2014 with expert conferencing set down for 19 – 23 January 2015. Mediation follows on 23 – 27 February 2015.