

**IN THE MATTER** of the Resource Management Act 1991 and the Local Government (Auckland Transitional Provisions) Act 2010

**AND**

**IN THE MATTER** of the Proposed Auckland Unitary Plan (PAUP) and procedures established under the relevant legislation to address the submissions and further submissions processes in relation to the PAUP following notification of it by the Auckland Council

## **MEMORANDUM ON BEHALF OF AUCKLAND COUNCIL**

**MAY IT PLEASE THE PANEL:**

### **Summary**

1. This memorandum is in response to one prepared by Mr Paul Cavanagh QC and dated 9 July 2014.
2. The Auckland Council (**Council**) opposes the four courses of action proposed by Mr Cavanagh at paragraph 18 of his memorandum and supports the comments outlined in paragraph 20 of the Hearings Panel's Procedural Minute No. 5 (**Minute**).
3. As set out in the affidavit of Mr John Michael Duguid, the Council has taken (and continues to take) all reasonable steps to make relevant information available in an accessible form and in as user friendly manner as possible.
4. The procedural point raised by Mr Cavanagh has been addressed by the direction contained in the Panel's Minute. Undertaking the other actions suggested by Mr Cavanagh risks delaying a process which is the subject of statutory timeframes when the utility of those actions is not clear.

## Issues raised

5. The Council is grateful for the Hearings Panel's efforts in producing its Minute.
6. While acknowledging that the comments outlined in paragraph 20 of the Minute are expressed as being without prejudice to any decisions that the Hearings Panel may make at the conference on 1 August 2014, the Council supports the comments that are set out in that paragraph.
7. The memorandum of Mr Cavanagh, dated 9 July 2014, which prompted the Panel's Minute raised a number of issues in relation to the Proposed Auckland Unitary Plan (**PAUP**), which are helpfully summarised in paragraph 6 of the Minute.
8. The primary concern raised by Mr Cavanagh appears to have been that further submitters who may have overlooked submitting on a particular point will not be able to become involved. The Hearings Panel's direction in paragraph 21 of its Minute removes that as a concern.
9. We note that the time period for making further submissions is a function of statutory provisions. However, section 123(8) of the Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**) extended the period for making further submissions on the PAUP to 30 working days (rather than 10 working days), which provided 6 weeks (rather than 2 weeks) for further submitters to consider the Council's Summary of Decisions Requested Report and make a further submission.
10. A further safety net is section 165(c) of the LGATPA which provides the chairperson of the Hearings Panel with the power to accept late submissions.

## Steps taken

11. In relation to the steps taken by the Council to make the PAUP process as fair as possible within the bounds of the relevant statutes, they are set out briefly in the attached affidavit of Mr Duguid, which:
  - (a) summarises the content of the Auckland Council submission on the PAUP;
  - (b) outlines where the Council's Summary of Decisions Requested (**SDR**) Report has been made available for inspection in hard copy;
  - (c) explains that the Council wrote to 4,913 ratepayers to advise them of the Council's submission on the PAUP; and

- (d) notes that close to 3,000 further submissions have been received.
12. As outlined in Mr Duguid's affidavit, the Council's SDR Report is available in hard copy in 37 Council libraries, 12 local board offices and nine Council service centres to enable members of the public to review a hard copy version, rather than an electronic version on a computer. I also note that, for those without access to computers, all the Council's libraries have computers available to the public and provide access to the internet.
  13. Mr Cavanagh's suggestion that process advisors be appointed has again in large part been answered by the fact that the Hearings Panel will be utilising professional facilitators and mediators to assist in the lead up to any hearings. The Panel through its support staff will be preparing Parties and Issues Reports which will further assist with understanding the process.
  14. The PAUP is unlike any previous policy statement or plan prepared in Auckland under the Resource Management Act 1991 in that it comprises a regional policy statement, regional coastal plan, other regional planning provisions and a district plan for the most populous region in New Zealand. It was therefore inevitable that a large number of submissions would be received. However, the Council has endeavoured to make access to all relevant information relating to submissions as easy as possible as discussed in Mr Duguid's affidavit.
  15. The volumes of information may be large but the Council has worked to facilitate the process. In our view, it is likely that once the process has been broken down into hearing-sized chunks, the process will become clearer and, for those who have previously been involved in the Resource Management planning process, it will quickly become business as usual.

#### **Atkins memorandum**

16. An additional matter was raised in the memorandum filed by Ms Helen Atkins, namely, that guidance be given by the Panel as to whether it will make some draft recommendations on the regional policy statement prior to making recommendations on the rest of the PAUP.
17. The Council has not yet formed a view on this matter but we can indicate that it is one being given consideration to and one which the Panel may wish to hear from a range of submitters on before making a decision.

## **Conclusion**

18. The Council opposes the actions proposed in Mr Cavanagh's memorandum and supports the Panel's comments.
19. The Council has worked and continues to work to ensure the volumes of information in relation to the PAUP are as accessible as possible to all those interested in the process.

Dated this 31st day of July 2014

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

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J P Hassall / C L L Faesenkloet  
Counsel for Auckland Council