

# Memo

10 July 2015

To: Manager Unitary Plan  
CC: Independent Hearings Panel, General Manager Plans and Places  
From: Jeanette Johnston, IHP Programme Manager

---

## Scoping site specific hearings – Response to directions in procedural minutes No 6 and No 7

This memorandum provides a response to the Auckland Council report of 15 June 2015 on zone, precinct and RUB hearing topics, and sets out the Independent Hearing Panel's intended programme to hear the site specific topics and complete the hearings on the Unitary Plan by 30 April 2016.

### 1. Background

In response to the Panel's procedural minutes 6 and 7, the Council on 15 June 2015 reported back to the Panel with its recommendations on the process for hearing submissions on rezoning, precincts and the RUB and the amount of time required.

The proposal has been reviewed by the Panel and has informed development of a programme to complete the hearings on the Unitary Plan by 30 April 2016. This hearing programme includes all the remaining site specific topics: zones and precincts (066-073); the RUB (016, 017), the Waitakere Ranges precinct (075) and pre-1944 and special character mapping (079).

### 2. Overview of proposed approach

The Panel has reviewed the material provided by the Auckland Council in its report of 15 June 2015 and developed a hearing programme and schedule with the key elements as outlined below.

#### 2.1. Hearing programme and approach

- i. The Panel will provide interim guidance to submitters on:
  - Its approach to submissions on site specific matters in the PAUP;
  - What submitters will need to provide by way of supporting information and evidence.

It is intended to provide this guidance in mid-August.
- ii. The approach to the hearings takes into account that a high proportion of submitters on these topics are "lay" submitters with a specific interest in their own property. The process will be kept as simple and as flexible as possible for these submitters.
  - Precincts and rezoning will be combined into two topics: one that will cover Auckland-wide matters, Auckland -wide theme-based matters and specific zones and precincts; and the second for the geographic areas. This reflects that for many submitters their points on rezoning and precincts are interrelated.

- Lay submitters will only be expected to attend once within a topic. For example, submitters who have points relating to all geographic areas will be able to present their entire case at one appearance.
  - Where a submitter appears on the RUB, but also has related rezoning requests, the Panel will be open to hearing the submitter's entire case at the RUB hearing.
  - Hearings on the geographic areas will be held in Orewa, Henderson, CBD and Manukau and submitters can choose where they prefer to appear. This will also apply to the hearings on the RUB.
  - The proposed topics and subtopics put forward by Council will be used to structure the hearing days and to group submitters to the extent possible, but flexibility will apply.
- iii. The Panel supports the Council's suggestions to reduce the need for evidence and reporting and make the hearings more efficient, including the use of section 42A reports.
  - iv. The Panel will not seek provision of supporting information in addition to and separate from the evidence exchange process in the interests of minimising the number of different steps and due dates. The Panel will provide guidance on the information submitters should provide in their evidence to support their relief sought.
  - v. The Panel broadly supports the Council's intended approach to mediate only on selected precincts. The allocation of time for mediation reflects an expectation that mediation will focus on principles rather than detail.
  - vi. The IHP staff will hold drop-in days at Orewa, Henderson, CBD and Manukau in August 2015 to explain the site specific hearing process.

## **2.2. Hearing schedule**

- i. The hearings on the site specific topics will not commence until mid-January 2016 and will continue to the end of April 2016. This provides more time for parties to prepare, and allows time at the end of 2015 for the Panel to complete its deliberations on the topics heard in 2015.
- ii. Hearing days will be allocated to the topics in 2016 on the basis of the hearing days available between mid-January and 30 April. The Panel acknowledges that completion of the hearings by 30 April will depend on the attendance rates of submitters and managing submitter speaking time at the hearings.
- iii. Early notification of the zone and precinct hearings will enable the Panel to assess the responses and confirm the allocation of hearing days.
- iv. The hearings on the RUB and rezoning/precincts will begin with Auckland-wide matters and then progress to matters in specific locations. Special purpose, coastal and public open space matters will be heard with the region-wide zoning/precinct matters, and will have the same evidence exchange dates as the region-wide.
- v. A single panel will hear the presentations from Auckland Council at the beginning of the hearings on the RUB and Auckland wide rezoning and precinct topic. The Panel will then separate into two panels.
- vi. There will be two hearing topics for rezoning and precincts. The first will include the Auckland wide, theme-based and specific zones and precincts matters (the orange, green and blue topics in the Council's attachment 1 Proposed hearing topic structure). The second will be the specific geographic matters (the red topics in the Council's attachment 1).

- vii. The Panel broadly supports the Council's approach to allocation of time to submitters. The starting point will be ten minutes per submitter, as has applied to all previous hearing topics. The Panel will grant additional time on application but this is likely to be capped to a maximum amount, reflecting the time constraints in 2016 and the early provision of evidence that will be read in advance.
- viii. The time allocated to Council will also be constrained for the same reasons as vii) above and to reflect the simplified approach to topic structure that will reduce the need for multiple presentations by Council. The Panel will consider providing time for Council in the hearing on zones and precincts to respond to major submitters.
- ix. The Chair has directed that dates set for evidence exchange avoid as far as possible the writing of evidence over the Christmas holiday period.

### **3. Conclusions**

The Panel commends Auckland Council for its thorough analysis and constructive approach to the RUB and rezoning/precinct hearings.

The Panel supports much of what Auckland Council has proposed. The main differences are in terms of the overall time required for the hearings and a simplified approach that addresses issues raised by submitters in their feedback on the process to date.

A provisional schedule to complete the Unitary Plan hearings, informed by the report from Auckland Council, will be published on the aupihp website around 15 July. The Panel acknowledges that this schedule is tight and may be difficult to achieve if higher than expected numbers of submitters attend the hearings. However the Panel is confident that the proposed programme is an appropriate basis to proceed to hear the many site specific concerns raised by submitters.