

Before the Auckland Unitary Plan Independent Hearings Panel

In the matter of the Resource Management Act 1991
and the Local Government (Auckland
Transitional Provisions) Act 2010

and

In the matter Mediation prior to matters heard before the
Independent Hearings Panel

**Memorandum of Remuera Heritage Inc.
regarding the benefits and costs in the use of mediation
13 April 2015**

May it please the Panel:

1. The memorandum of Richard Burton on behalf of Auckland 2040, dated 4 October 2014, made a case for greater use of mediation, particularly as a mechanism for enabling participation by lay submitters.
2. I have attended a number of these mediation sessions, and wish to advise that my observations lead me to believe that while there are advantages, there are also significant disadvantages.
3. Benefits include potential resolution of areas of disagreement between the parties, specifically between Council and some of the major submitters. Clearly there is a cost to these parties in both time and resources. It is noted that some major submitters are able to have both planners (usually) and legal counsel present. They are therefore much better equipped for mediation.
4. However, for the less well-resourced submitter, particularly lay submitters who perhaps have no expert resource, there is an apparent significant disadvantage. The cost of having legal counsel attend these sessions would be cost-prohibitive for most lay submitters. For those submitters who do have experts in the relevant fields, the cost of having them attend multiple days of mediation is potentially unsustainable.
5. Some lay submitters attend by themselves, as they lack the funding to engage experts and/or legal counsel. These submitters are at an even greater disadvantage, as they often lack the knowledge and skills to grasp the technical detail and contribute meaningfully in mediation sessions.
6. It is therefore important to bear in mind that, in spite of attendance at mediation, some submitters may feel that their concerns have not been adequately recognised.
7. During recent mediation for topic 31 the heritage community groups (i.e. Remuera Heritage, Character Coalition plus Heritage NZ only) were able to meet with council officers in confidence for 30 minutes where more was achieved in this time than the rest of the day. The recent introduction of the direct discussion days has helped but these deal only with minor matters and are for 15 minutes only.
8. The resolution to this problem is not immediately apparent, but I wish to alert the Panel to these possible inequities, in the hope that there may be some way in which mediation can be refined, to address the matters outlined above.

Signed:

Sue Cooper

Sue Cooper
Chairperson

Remuera Heritage Inc.