

**BEFORE AN INDEPENDENT HEARINGS PANEL
OF THE AUCKLAND COUNCIL**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Plan Change 78:
Intensification to the
Auckland Unitary Plan

**LEGAL SUBMISSIONS ON BEHALF OF TEMPLETON GROUP IN RESPONSE TO
AUCKLAND COUNCIL'S MEMORANDUM REQUESTING A PAUSE OF ALL
HEARINGS AND ALTERNATIVE DISPUTE RESOLUTION PROCESSES**

DATED: 1 MAY 2023

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MAY IT PLEASE THE COMMISSIONERS

1. INTRODUCTION

1.1 Templeton Group (**Templeton**) opposes the request by Auckland Council to pause all hearings and alternative dispute resolution processes for Plan Change 78 (**PC78**) to the Auckland Unitary Plan (**AUP**).

1.2 The vast majority of PC78 topics are sufficiently discrete and can be determined before natural hazard and flooding investigations are completed, and before decisions are made on the Notices of Requirement for the Auckland Light Rail (**ALR**) Corridor. In addition, many geographic areas are unrelated to the Council's flooding assessment work, and decisions on zoning changes proposed through PC78 can be made for these areas without prejudicing the flooding work or risking new submitters entering the process. For example, the Long Bay Precinct and the Warkworth/Claydon Road Precinct should proceed.

2. REASONS

2.1 Pursuing a blanket pause on all PC78 topics, where there is no justification to do so, is entirely inconsistent with the purpose and policy behind the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Amendment Act**). The Amendment Act not only seeks to remove "*overly restrictive council planning laws*",¹ but it seeks to do so with urgency and haste.

2.2 Urgency underpins the entire Amendment Act, emphasised by the fast-track process to intensification plan changes, and the very tight timeframes within which territorial authorities are required to amend their plans. While Templeton acknowledges the need to delay discrete topics to undertake important flood assessment work, a blanket pause on all topics is simply unjustified and contrary to the government's intent when passing the Amendment Act (which was also, uniquely, supported by the Opposition Party).²

1 Dr Megan Woods on behalf of the Minister for the Environment, First Reading of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill, 26 October 2021. Also refer to the Final Report of the Select Committee (pg 2) which states the Amendment Act "...seeks to rapidly accelerate the supply of housing...".

2 Refer Nicola Willis's speech during 3rd Reading of the Amendment Bill, 14 December 2021.

2.3 In addition, the hearing commissioners and a significant proportion of the resource management industry have already committed and allocated a large amount of resources and time to the PC78 hearing process. Any decision to pause the process should be considered extremely carefully with this in mind, and topics should only be paused where it is absolutely necessary to do so.

3. CONCLUSION

3.1 Templeton requests that all PC78 hearings and ADR processes continue in accordance with the Panel's hearing schedule, with the exception of natural hazard and climate change response topics.

DATED at Auckland this 1st of May 2023

A handwritten signature in blue ink, appearing to be 'W. Loutit' or similar, with a large circular flourish at the end.

Bill Loutit / Rachel Abraham
Counsel for Templeton Group