

**IN THE MATTER** of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** **Intensification Planning Instrument Plan Change (IPI) Plan Change 78 - to the Auckland Unitary Plan - Operative in Part (AUP)**

**DIRECTION FROM THE HEARING PANEL – 30 AUGUST 2024**

**PLAN CHANGE 78 – SCHEDULING HEARINGS FOR METROPOLITAN CENTRE ZONE AND SYLVIA PARK PRECINCT**

1. The Panel issued a Minute and Direction dated 1 July 2024 after the Case Management Conference, in which it (a) deferred the majority of the PC78 hearing topics, and (b) requested further information from Auckland Council about the flooding risk in the Metropolitan Centre Zone and related precincts. The purpose of point (b) was for the Panel to consider whether any, and if so which, of the Metropolitan Centre zoned areas and related precincts the Panel could proceed with hearing and making recommendations. This was also in response to the Minister’s direction that PC 78 should be progressed where practicable, and his expectation that this would include areas of “little risk of flooding”.
2. By memorandum dated 31 July 2024 the Council provided updated flooding information in respect of the ten identified metropolitan centres, relative to the identified floodplain areas at the time PC 78 was notified. Council provided information about updated floodplain mapping for 4 of those centres, and introduced an additional category of “flood prone areas”. Its memorandum signaled the approach in a future natural hazards plan change (or variation to Plan Change 78) whereby Council intends to categorise the risk of flooding based not only on the geographical extent of flooding but also on other technical thresholds.
3. The Council’s memorandum refers to discussions with officials from the Ministry for the Environment in respect of the Minister’s PC78 direction and says that these discussions are ongoing.
4. While the Panel appreciates that there are methods for assessing flooding risk other than only the spatial component of floodplains, it understands that this is the metric currently used by the Auckland Unitary Plan framework around Chapter E36 Natural Hazards and flooding. The concept of flood prone areas under consideration by the Council as a measure of assessing flooding risk is not currently part of that framework. The indications are that it will be some time before the Council can complete the work necessary for this to reach the stage where planning and other decisions addressing flooding risk can be made based on it.
5. In order to complete the PC 78 process within a reasonable time the Panel considers that it should proceed on the basis of such quantifiable data as Council has been able to provide, which primarily relates to the spatial component of the flood plains. In this respect, the Council’s

information shows that there has been little change in the spatial extent of the notified PC 78 floodplains as they apply to the Metropolitan Centre zoned areas and related precincts.

6. Having reviewed the substantive information provided by the Council, and mindful of the Minister's direction to progress parts of Plan Change 78 that are subject to Policies 3 and 4 of the NPS-UD where practicable, the Panel has decided to proceed with the hearing of submissions on the Metropolitan Centre Zone provisions and the related precincts that do not contain residential zones.
7. The Panel has identified the relevant topics as:
  - 016B Business – Metropolitan Centre Zone provisions; and
  - 020AY Precincts – I336 Sylvia Park Precinct.
8. The Panel has already held hearings in relation to the Metropolitan Centre Precincts 020V Manukau Precinct, 020AC Albany Centre Precinct and 020AL Takapuna 1 Precinct.
9. The Panel will defer the hearing of the metropolitan centre precincts 020AT New Lynn Precinct and 020AW Westgate Precinct as these contain residential zones. But for the avoidance of doubt it will hear submissions on the Metropolitan Centre Zone provisions generally, just not in relation to precinct-specific provisions relating to those two Precincts.
10. The focus of the hearing will be only in relation to the Metropolitan Centre Zone and the Sylvia Park precinct. The Panel will continue to defer hearing submissions relating to qualifying matters that may apply in the Metropolitan Centre Zone until a future date. This acknowledges that the Zone is applied across wide parts of Auckland and in the interests of an efficient hearing schedule for all parties.
11. The Panel therefore directs that the hearing of submissions on the remaining Metropolitan Centre provisions and precinct as described above will be held on **Monday 25 and Tuesday 26 November 2024**. The hearing will be in the Auckland Town Hall. The Senior Hearings Advisor will notify this hearing to those parties whose submissions are allocated to the relevant topics.
12. If any submitter requires further clarification as to the matters that will be heard (or not heard) at the above hearing, or has any enquiries regarding this Direction, they should be directed to the Senior Hearings Advisor, Mr Sam Otter by email at [npsudhearings@aucklandcouncil.govt.nz](mailto:npsudhearings@aucklandcouncil.govt.nz)



Matthew Casey, KC  
Chairperson  
30 August 2024