

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

AND

IN THE MATTER **Intensification Planning Instruments Plan Changes (IPI) and related Regional Policy Statement and Plan Changes to the Auckland Unitary Plan – Operative in Part (AUP)**

DIRECTION FROM THE HEARING PANEL – 16 SEPTEMBER 2024

PLAN CHANGE 78 - COUNCIL UPDATES ON INTERACTIONS WITH THE MINISTER FOR RM REFORM AND PROPOSED VARIATIONS TO PC78

1. This Direction follows on from the Panel’s 1 July 2024 Minute and Direction requesting the Council to provide regular updates on the progress of its interaction with the Minister for RMA Reform and the status of the proposed variations to PC78.
2. In the interim, the Ministry for the Environment has issued its September 2024 Resource Management (RM) Reform update¹. The update states that although the Government is planning to introduce a bill amending the RMA in late 2024 which could become law in 2025, formal public consultation on making the Medium Density Residential Standards (MDRS) optional for councils is not expected to occur until early 2025 and amendments to the Resource Management Act and the National Policy Statement on Urban Development to implement those changes are not expected to be in place until mid-2025.
3. The Panel is mindful of both the narrowing pathway for it to discharge its legislative duties in time for the Council to notify a decision by 31 March 2026 as well as the costs to participants stemming from the uncertainty around PC78. The preliminary schedule for PC78 issued in 2023 anticipated hearings over 8 months. While the Panel has heard and scheduled to hear what additional matters it could in the interim, there remain many substantial topics.
4. As it has no ability (without statutory amendment) to defer its recommendations to the Council, the Panel is likely to require that hearings recommence by late March 2025. This is so that the process is not unduly truncated and so that the Panel can afford the evidence and submissions proper time and consideration. The Panel notes with concern that this timeframe would not currently allow for additional time associated with any variations to PC78 on natural hazards or the Auckland Light Rail Corridor which may be notified by 30 April 2025².
5. There is a clear nexus between the processes signalled in the proposed RMA amendments and the future matters that will be covered under PC78. The Panel therefore requests the Council to

¹ Ministry for the Environment, RM Reform September update, <https://environment.govt.nz/news/rm-reform-update-september-2024/>

² Letter to Auckland Council from the Hon Chris Bishop, Minister responsible for RMA Reform dated, 26 March 2024. See also the Panel’s Minute and Direction dated 28 March 2024

provide an update on its interaction with the Minister and/or the Ministry and the status of any proposed variations to PC78 by no later than **30 September 2024 and monthly thereafter**.

6. To avoid any doubt, the Panel **has not issued any additional schedules** at this stage relating to additional topics other than those relating to the City Centre and Metropolitan Centres. **The Panel's deferral of PC78 outside of the City Centre and Metropolitan Centres remains in place as per its Minute and Direction dated 1 July 2024.**
7. Any enquiries regarding this Direction, or related matters, should be directed to the Senior Hearing Advisor, Mr Sam Otter by email at npsudhearings@aucklandcouncil.govt.nz.



Matthew Casey, KC
Chairperson

16 September 2024.