

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)**

MINUTE FROM THE HEARING PANEL – 16 DECEMBER 2024

PLAN CHANGE 78 – PROGRESS WITH OUTSTANDING MATTERS AND ISSUES ARISING FROM RECENTLY INTRODUCED RESOURCE MANAGEMENT AMENDMENT BILL

1. The resolution of Plan Change 78 (**PC 78**) has been delayed following events and issues that have been addressed in previous Minutes and Directions from the Panel. As matters presently stand, the PC 78 process is required to be completed in time for the Council to finalise its decisions on the Plan Change in time for notification on 31 March 2026. This will require the Panel to commence alternative dispute resolution in March 2025 and commence the hearing of submissions by May 2025, to be able to finalise its recommendations to the Council- by late 2025.
2. The Panel has progressed the hearing of topics that are, for the most part, unaffected by the uncertainty that has attended other aspects of PC 78. It has concluded the hearing of submissions on Topics allocated to the City Centre zone and related precincts (to which Policy 3(a) of the National Policy Statement – Urban Development (**NPS-UD**) applies) and is underway with hearing topics related to Metropolitan Centre zones and related precincts (Policy 3(b) of NPS-UD).
3. In its Minute and Direction of 1 July 2024, the Panel advised that it would defer all other PC 78 topics in the meantime. In anticipation of this being reviewed in early 2025, the Panel requested the Council to provide regular updates on its interactions with the Minister for the Environment and the status of the Council’s proposed variations to PC 78, particularly to accommodate natural hazards and the former Auckland Light Rail Corridor (**ALRC**).
4. At the recent hearing on Metropolitan Centre Zone provisions, the Panel expressed concern about the remaining time within which it has to make its recommendations in order for the Council to make and notify its decisions on PC 78 by 31 March 2026.
5. In its latest reporting Memorandum dated 2 December 2024 the Council outlined recent interactions with the Ministry for the Environment. It identified the potential for PC 78 to be partially withdrawn following legislative change, expected to be introduced in mid-December.
6. As anticipated, the Resource Management (Consenting and Other System Changes) Amendment Bill (**Bill**) was introduced on 9 December 2024. It has a number of provisions which may impact on the Panel’s work and on PC 78 generally. The Panel understands that, if enacted in its

present form, the Bill will amend the Resource Management Act 1991 (**RMA**) to make it optional for councils to implement the Medium Density Residential Standards (**MDRS**) if they can demonstrate 30 years of housing growth capacity.

7. Councils may also request the Minister's approval to withdraw an extant Intensification Planning Instrument (**IPI**) if policies 3(a), (b) and (c)¹ of the NPS-UD have been given effect to as far as practicable. However there are preconditions to this including that the NPS-UD is to be amended before this provision comes into force, and a one year delayed commencement date for these provisions.
8. Council's reporting memorandum of 2 December 2024 records that Council staff and elected members are still working through its response to natural hazards and to the former ALRC land including qualifying matters in the Corridor.
9. While the Bill signals changes that may reduce the scope of the Panel's work, it is clear that some matters will need to be progressed (for example, walkable catchments), and there is uncertainty about others. Also, it is not apparent when the Bill will be enacted, and/or the relevant provisions take effect.
10. The Panel's immediate focus will be to hear the remaining Topics relating to Qualifying Matters (identified in Attachment 1) as they affect the Metropolitan Centre zone and precincts, with a hearing schedule currently being prepared.
11. Pending any new information from Council's reporting or correspondence with the Minister the Panel will need to consider resuming all remaining PC78 topics and anticipates that it will issue a hearing schedule in early 2025.
12. The Panel asks that Council's reporting memorandum, due on 20 December 2024, include its response to these matters, to the extent that Council is able to at this stage. In particular, the Panel is interested to know if the Council has requested (or expects) the Minister to give a further extension to the deadline currently set at 31 March 2026.

Any enquiries regarding this Direction, or related matters, should be directed to the Senior Hearings Advisor, Mr Sam Otter by email at npsudhearings@aucklandcouncil.govt.nz



Matthew Casey, KC
Chairperson
16 December 2024

¹ Policies 3(a) and 3(b) apply to the City Centre and Metropolitan Centre zones respectively as noted in paragraph 2. Policy 3(c) relates to Walkable Catchments which the Panel has yet to address. Policy 3(d) applies to areas within and adjacent to neighbourhood centre zones, local centre zones and town centre zones (or their equivalent), and is not included in the Bill's requirement that the NPS-UD be given effect to as far as practicable.

Attachment 1 – Metro Centre Outstanding Matters Hearing topics

Qualifying Matters (QM) to be heard on appropriateness as a QM and as they relate to Metropolitan Centres:

- 009C Qualifying Matters A-I - Significant Ecological Areas
- 009G Qualifying Matters A-I - Maunga Viewshafts and Height Sensitive Areas (as they apply to Newmarket)
- 009J Qualifying Matters A-I - Significant Natural Hazards
- 009K Qualifying Matters A-I- National Grid
- 009Q Qualifying Matters A-I – Designations
- 009R Qualifying Matters A-I - Aircraft Noise
- 010D Qualifying Matters - (Other) Notable Trees
- 012C Qualifying Matters - (Infrastructure) - Combined wastewater network
- 013 Qualifying Matters - (Additional)
- 014A Height - Business height - Policy Principles
- 014F Height - Metropolitan Centre WC intensification response

Special Character Business Qualifying Matter topics to be heard for appropriateness as a QM and extent only as it applies to properties in the Metropolitan Centre Zones.

- 011A Qualifying Matters - (Special Character) – Appropriateness of Qualifying Matter (as it relates to Special Character Business only)
- 011B Qualifying Matters - (Special Character) – Special Character Business - add new property/area to SCAB
- 011C Qualifying Matters - (Special Character) – Special Character Business - general or non-specific
- 011D Qualifying Matters - (Special Character) – Special Character Business - provisions
- 011E Qualifying Matters - (Special Character) – Special Character Business - remove property/area from SCAB
- 011F Qualifying Matters - (Special Character) – Special Character Business - support property/area in SCAB as notified