

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 AND DIRECTION FROM THE HEARING PANEL – 23 MAY 2024

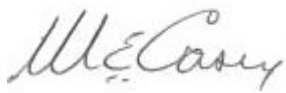
PLAN CHANGE 78 – CASE MANAGEMENT CONFERENCE AND COMPLETION OF CITY CENTRE TOPICS

1. Pursuant to sections 34 and 34A of the RMA, Auckland Council (**Council**) has appointed a Hearings Panel (**Panel**) consisting of independent hearings commissioners. The Panel's function is to hear the submissions on Plan Change 78 (**PC 78**) and make its recommendations to Council.
2. This Minute and Direction follow on from the Case Management Conference held on 29 April 2024, to consider the direction from the Minister for RMA Reform (**Minister**) dated 25 March 2024 and the Council's memorandum of 18 April 2024 responding to it.
3. The Case Management Conference was so that the Council and interested submitters could convey their views (via presentations and written statements) as to which PC78 hearing topics can proceed in 2024, ahead of the changes to PC 78 signalled in the Minister's direction and Council's response, particularly relating to the Auckland Light Rail corridor, natural hazards and the MDRS.
4. The Minister had acceded to the Council's request for a second 12-month extension to complete PC78 and the Intensification Streamlined Planning Process and had stated a number of expectations.
5. The Council's position is that the Panel should complete topics or part of topics which relate to the City Centre and its precincts, and provide its recommendations on that part of PC 78 which the Council may then make operative. Several interested submitters expressed frustration with the ongoing delays and some noted the Council's position as contrary to the direction of the Minister in granting the 12-month extension. The majority supported the position put forward by the Council.
6. Since the Case Management Conference the Council has written to the Minister and received a reply from him dated 8 May 2024, which was provided to the Panel with the Council's memorandum of 14 May 2024 and the Council has provided a further memorandum dated 21 May 2024 on the issues raised in the Minister's letter (copies **attached**). In his letter, the Minister states that he expects Council to progress other matters in addition to the City Centre. The Panel will require further information from the Council before addressing this aspect.

7. The purpose of this Minute and Direction is to record the Panel's position about progressing resolution of the City Centre and its precincts aspects of PC 78. The Panel intends to complete the hearing of topics necessary to finalise its recommendations for the areas of Auckland that are zoned City Centre as soon as this can be achieved. It has deferred, for the meantime, a decision on what other aspects and/or topics can be progressed pending the changes referred to in paragraph 3 above.
8. The Panel has identified the following topics (**as they relate to the City Centre and its precincts**) as being required to be heard in order that it can make its recommendations on PC 78 in relation to the City Centre and its precincts. It must be stressed that this is only in so far as the following topics apply to the City Centre and its precincts:
 - 001G Plan making and Procedural Plan Interpretation (Chapter A and Chapter C)
 - 009A Qualifying Matters A-I Appropriateness of QMs (A-I)
 - 009G Qualifying Matters A-I Maunga Viewshafts and Height Sensitive Areas
 - 009I Qualifying Matters A-I Relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga
 - 009K Qualifying Matters A-I National Grid
 - 009M Qualifying Matters A-I Strategic Transport Corridors
 - 009Q Qualifying Matters A-I - Designations
 - 010A Qualifying Matters (Other) Appropriateness of QMs (Other)
 - 010B Qualifying Matters (Other) Auckland Museum Viewshaft
 - 010D Qualifying Matters (Other) Notable Trees
 - 012A Qualifying Matters (Infrastructure) – Appropriateness of QMs
 - 012C Qualifying Matters (Infrastructure) - Combined wastewater network
 - 013 Qualifying Matters – Additional
9. The topics below will proceed to the extent submissions relate to the general business objectives and general business policies which are also proposed to be implemented in the City Centre Zone.
 - 016B Business – Metropolitan Centre Zone provisions
 - 016C Business – Town Centre Zone provisions
 - 016D Business – Local Centre Zone provisions
 - 016E Business – Neighbourhood Centre Zone provisions
 - 016F Business – Mixed Use Zone provisions
 - 016G Business – General Business Zone provisions
 - 016H Business – Business Park Zone provisions
 - 020J Precincts - General
10. Where topics are being heard in part-only in relation to the City Centre and its precincts, the remainder of the topic will need to be heard at a future date. The Panel will not receive evidence and submissions that address other topics that are not on the City Centre and its precincts at this hearing.
11. There may be instances whereby a submitter has not been allocated to one of the topics above who, nonetheless, sought relief material to the Panel's deliberations on the City Centre and its precincts topics. The Panel invites any such submitters to contact the Senior Hearings Advisor,

Mr Sam Otter by email at npsudhearings@aucklandcouncil.govt.nz, detailing why they consider their submission is on the City Centre.

12. A hearing will be scheduled to take place commencing on Wednesday 21 August 2024, and continuing on Thursday 22, Friday 23, Tuesday 27, Wednesday 28 and Thursday 29 August 2024.
13. This hearing will address all of the topics identified in paragraphs 9 and 10 above, as they relate to the City Centre. It is anticipated that these remaining City Centre topics can be covered at this time, particularly as most City Center-related topics of particular significance have already been heard. Mr Otter will notify all parties of the details regarding this hearing.
14. The Panel will issue a further Minute / Direction on matters other than the City Centre and its precincts in due course.
15. 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
23 May 2024

Before the Independent Hearings Panel

In the matter of the Resource Management Act 1991 (**RMA**)

And

In the matter of Proposed Plan Change 78: Intensification to the Auckland Unitary Plan Operative in Part (**AUP**)

Memorandum of counsel for Auckland Council providing Auckland Council's letter to Minister for Resource Management Reform dated 3 May 2024

Date: 7 May 2024



Solicitor on the Record
Contact solicitor

Diana Hartley
Anne Buchanan

diana.hartley@dlapiper.com
anne.buchanan@dlapiper.com

+64 9 300 3826
+64 9 300 3807

Level 15, PwC Tower
15 Customs Street West, Auckland 1010
PO Box 160, Auckland 1140
Tel +64 9 303 2019

MAY IT PLEASE THE PANEL

Introduction

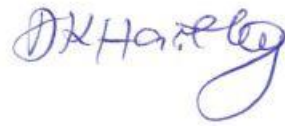
- 1 This memorandum of counsel for Auckland Council (**Council**) is in regard to the direction of the Independent Hearings Panel (**Panel**) in its Minute dated 4 April 2024.
- 2 In the Panel's Minute, the Panel directed the Council to report back to the Panel following its consideration of the letter from the Minister of Housing, Infrastructure, and RMA Reform (**Minister**) after the Planning, Environment and Parks (**PEP**) Committee meeting on the 11 April 2024.
- 3 The Council advised the Panel in its memorandum of counsel dated 18 April 2024 (which also responded to the Minute and Directions of the Panel dated 4 April 2024), that the PEP Committee had resolved that further correspondence would be sent to the Minister and the Council would provide the Panel with a copy of this letter once it had been sent to the Minister, as foreshadowed in the PEP Committee resolution on 11 April 2024:

Response to the Independent Hearings Panel

i) whakaae / agree the council should provide the Independent Hearings Panel with a copy of the letter referred to in clause h) and confirm the council will not be progressing a variation to Proposed Plan Change 78 for the Auckland Light Rail corridor with urgency, but will be able to notify a variation to Proposed Plan Change 78 for the Auckland Light Rail corridor (if the government does not allow the council to withdraw Proposed Plan Change 78 in part) by 30 April 2025.

- 4 We are advised that the Council sent a letter to the Minister on 3 May 2024 and a copy is filed with this memorandum for the Panel's information.

Date: 7 May 2024



.....
D K Hartley / A F Buchanan
Counsel for Auckland Council for
PC78

3 May 2024

Honourable Chris Bishop
Minister of Housing, Infrastructure, Resource Management Reform

Via email: Chris.Bishop@parliament.govt.nz

Tēnā koe Minister,

We refer to your letter dated 26 March 2024, which responds to the letters from the Chair and Deputy Chair of the Planning, Environment and Parks Committee dated 1 February 2024, and from the Mayor of Auckland dated 28 February 2024.

In your letter you have supported Council's request for a further 12-month extension (until 31 March 2026) to enable the Auckland Council to complete the Intensification Streamlined Planning Process. Your letter includes the following expectations for Auckland Council:

- (a) Notify a plan change, or similar, to address the management of significant risks from natural hazards by 30 April 2025.
- (b) Enable intensification within the Auckland Light Rail corridor, and ensure intensification is enabled in appropriate areas by 30 April 2025.
- (c) Continue to progress the parts of the Plan Change 78 subject to Policy 3 and Policy 4 of the National Policy Statement on Urban Development where practicable given the expectations outlined in (a) and (b) above.
- (d) Prior to notifying plan changes, or similar, on natural hazards, and to implement the National Policy Statement on Urban Development and the Medium Density Residential Standards in the Auckland Light Rail Corridor, notify the Minister Responsible for RMA [Resource Management Reform] on the impacts on Auckland's development capacity.

Since receiving your letter, Council received two subsequent Minutes from the Independent Hearings Panel (**IHP**) hearing the submissions on Plan Change 78 – Intensification (**PC78**), which is the Council's intensification planning instrument (**IPI**), which refer to your letter. These Minutes are attached as **Attachment A and B**.

The Council's Planning, Environment and Parks Committee met most recently on 11 April 2024. The resolutions of that meeting are attached to this letter as **Attachment C**.

This letter has been prepared in accordance with resolution PEPCC/2024/24.

In our previous letters we highlight the constraints in the RMA in making changes to PC78 and requested urgent legislative change to enable the Council to prepare an integrated plan change dealing with the National Policy Statement on Urban Development (**NPS-UD**) (policies 3 and 4), Medium Density Residential Standards (**MDRS**), natural hazards, and the Auckland Light Rail corridor. Auckland Council is strongly of the view that this will be the most efficient and effective way to proceed, allowing Auckland to determine how best to achieve the outcomes of the NPS-UD, within the parameters set by the Government.

We appreciate from your response that you recognise this need for legislative change and our respective officials will work together to provide options for your consideration. In addition, to address an urgent need to plan for future hazards occurring in Auckland, Council supports making the natural hazard provisions have immediate legal effect from notification, and consideration of other provisions to similarly have immediate legal effect.

Concurrently, we understand that you are progressing legislative change around the MDRS enabling councils to opt out. The most efficient path is to progress these various legislative changes together so that the new provisions are completed by the end of 2024. We understand from your letter dated 30 April 2024 that the necessary changes would likely be included in the second bill to be introduced into Parliament in late 2024.

Accordingly, we confirm that we are committed to publicly notify an integrated plan change by April 2025, or within three months of the enactment of legislation if there are delays to the legislative changes being made. To achieve this, we would undertake plan preparation consultation with iwi authorities, stakeholders, and Aucklanders later this year, relying on your intention to undertake legislative change at pace. Any early indication of potential requirements in this legislation would enable us to integrate these into our planning early-on.

However, your letter is clear that you expect us to continue to progress policies 3 and 4, where practicable, while we work on the integrated plan change. As you are aware, at its meeting on 11 April 2024, the Planning, Environment and Parks Committee carefully considered whether it was practicable to progress the walkable catchments aspect of policy 3 before any legislative change. Due to the high degree of overlap between the matters that arise within the current submissions on walkable catchments and the remainder of PC78, the conclusion reached by the committee was that this would not be practicable. In short, those same matters would need to be considered again at a subsequent hearing on the integrated plan change that deals with MDRS, natural hazards and the ALR corridor. The consequence of this would be substantial unnecessary costs to the council and existing submitters on PC78, general confusion amongst the Auckland community, and natural justice/fairness issues in terms of the many likely interested parties within the ALR corridor who are not involved in the current hearings.

Having reached this conclusion, and to show continued progress in relation to policies 3 and 4, we confirm that we have requested that the IHP hear all remaining submissions on the City Centre zone, its precincts, and relevant qualifying matters, and that the IHP make recommendations to the Council on these matters. Of course, it remains possible the IHP may reach a different conclusion and decide to progress the hearings and its recommendations in respect of the other aspects of policies 3 and 4.

We also note that our officials are continuing to investigate any other areas where we could progress policies 3 and 4, without needing to duplicate the process through the integrated plan change. They will work with your officials and report back to us collectively.

We appreciate the opportunity to work with you and look forward to the progress of your legislative changes, and regular discussions as the plan change work advances.

Kind Regards,



Wayne Brown
MAYOR AUCKLAND COUNCIL



Richard Hills
Chair | Planning, Environment and Parks Committee
Councillor | North Shore Ward



Angela Dalton
Deputy Chair | Planning, Environment and Parks Committee
Councillor | Manurewa-Papakura Ward

Attachment A. Independent Hearing Panel Minute - Plan Change 78 (28 March 2024)
Attachment B. Independent Hearing Panel Minute - Plan Change 78 (4 April 2024)
Attachment C. Planning, Environment and Parks Committee resolution (11 April 2024)

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

AND

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

MINUTE AND DIRECTION (28 MARCH 2024) FROM THE INDEPENDENT HEARING PANEL

DEFERRING PC 78 PROGRAMME (EXCEPT HISTORIC HERITAGE) IN RESPONSE TO MINISTERIAL LETTER OF 26 MARCH 2024

1. On 27 March 2024 the Hearing Panel received from Auckland Council a copy of the letter dated 26 March 2024 from Hon Chris Bishop, Minister Responsible for RMA Reform (attached to this Minute). The Minister’s letter is to be considered by Council’s Planning, Environment and Parks Committee on 11 April 2024, following which the Council will report to the Panel.
2. The Minister’s letter is confusing and the Panel will shortly issue a minute requesting clarification both of the letter and of Council’s understanding as to what the Minister requires. It is apparent that the Minister has acceded to the Council’s request of 1 February 2024 for a further 12-month extension to complete the Intensification Streamlined Planning Process, of which PC 78 is an integral part. The extension is, however, qualified.
3. The Minister’s reasons for the extension primarily relate to the complexities brought about by the severe storms in 2023 and the Government’s recent decision to halt the Auckland Light Rail project. As well as directing what should take place in response to these, the Minister expects the Council to continue progressing the NPS – UD elements of PC 78, where practicable.
4. Due to the uncertainty of what this will involve, not only for the Panel but for Council and submitters, the Panel has decided to pause its program on PC 78 for a period of two months, until the end of May 2024. This pause will not apply to the forthcoming hearing on 9 April 2024 of Topic 009H Qualifying Matters A-I Historic Heritage; nor to completing the City Centre Zone hearings, as to which the only outstanding matter is Council’s reply submissions (already received), and the expert conferencing on the Bonus Floor Area Ratio provisions.
5. All other matters that were tentatively or formally scheduled for April and May 2024 will be deferred for a two-month period. The Panel has instructed the Hearings Advisor to update the timetable to allow for this pause, with the program re-commencing in June 2024.
6. The Panel is unable to direct any longer deferral than this in the current circumstances, as there is clearly an expectation from the Minister that the Panel will proceed and complete as much of its

current work program as it can. The situation may, however, change depending on what further direction and/or clarification is forthcoming from the Minister or the Council.

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

A handwritten signature in black ink that reads "McCasey". The signature is written in a cursive style with a large, stylized 'M' and 'C'.

Matthew Casey, KC
Chairperson

28 March 2024

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

AND

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

MINUTE FROM THE HEARING PANEL – 4 APRIL 2024

PLAN CHANGE 78 – MINISTER’S LETTER TO AUCKLAND COUNCIL DATED 26 MARCH 2024

1. Pursuant to section 34 and 34A of the RMA, Auckland Council (**Council**) has appointed a Hearing Panel consisting of independent hearing commissioners. The Panel’s function is to hear the submissions on Plan Change 78 (**PC 78**) and make its recommendations to Council.
2. Originally, Council’s decisions on PC 78 were required to be made by 31 March 2024. On 6 April 2023 the Minister for the Environment granted a 12-month extension until 31 March 2025.
3. On 1 February 2024 the Council wrote to Ministers in the recently elected Government urgently requesting a further one-year extension, and an interim pause to the Panel’s hearing process. Unless and until an extension was granted the Panel was not able to defer or delay progress with PC 78 because of the volume of work it needed to complete in time for the Council to meet its 31 March 2025 deadline.
4. Hon Chris Bishop, as Minister Responsible for RMA Reform, replied to Council’s request by letter dated 26 March 2024 (**Minister’s Letter**), a copy of which is attached to this Minute. It has been referred to the Panel, with advice that the Council intends to consider the Minister’s Letter at its next Planning, Environment and Parks Committee meeting on 11 April 2024. In the meantime, and pending clarification of the issues identified in this Minute, the Panel has issued a two-month pause of its scheduled PC 78 program (with two exceptions), as set out in its Minute and Directions of 28 March 2024.
5. The Minister’s Letter appears to accede to Council’s request for a 12-month extension, but with qualifications. The manner in which these have been expressed is somewhat confusing and leaves some uncertainty as to how the Panel should proceed. The Panel is also aware of statements on behalf of the Government indicating that changes will be made to the Medium Density Residential Standards (**MDRS**) provisions of the RMA, although this may not be until towards the end of 2024.
6. As well as seeking clarification on what is expected to occur, the Panel also draws to the attention of Council (and if thought appropriate the Minister) its concerns about potential overlaps and timeframes as they relate to the completion of its work in relation to PC 78.

Natural hazards

7. The Panel notes that the Minister's Letter sets out in his statement of expectations under s 80L(2) RMA that the Council is to "*Notify a plan change, or similar, to address the management of significant risks from natural hazards by 30 April 2025*". The Panel has for some time been concerned that the identification and potential impacts of natural hazards is a significant factor in determining how and where to apply the National Policy Statement on Urban Development (**NPS-UD**) and the MDRS. This has been referred to in the number of the Panel's previous Minutes, and is currently scheduled to be a Topic for later hearings, as a Qualifying Matter.

The Panel expresses its concern that the notification as late as April 2025 of a plan change, or a variation to PC 78, to address natural hazards will not allow sufficient time for the proper assessment of the issue in tandem with PC 78. It is concerned that if natural hazards are not addressed in resolving PC 78, there is a significant risk that intensification provided for under PC 78 will later need to be reversed. It therefore requests that the Council expedite preparation and notification of the plan change or variation well in advance of the Minister's deadline of 30 April 2025.

Auckland Light Rail Corridor

8. The Minister's Letter also sets out his expectation that the Council is to "*Enable intensification within the Auckland Light Rail corridor, and ensure intensification is enabled in appropriate areas by 30 April 2025*". This appears to be in conflict with the earlier statements in the Minister's Letter indicating support for a 12-month extension, during which Council is to notify a plan change/variation covering both natural hazards and the Auckland Light Rail corridor (**LRC**), by 30 April 2025. The statement of expectation that intensification within the LRC is to be "enabled" by that date suggests significantly more than notification.
9. If the expectation is that the Council will have made its decisions on intensification within the LRC by 30 April 2025, then it will need to proceed urgently to ensure that the current PC 78 process can accommodate this. If, as seems more likely, the Minister intended only that the provisions be notified (rather than enabled), this needs to be clarified. Note however, that as with other areas of the City, the issue of natural hazards is also relevant to the LRC.

Plan change or variation

10. As discussed above, the Minister's Letter references undertaking a plan change or a variation for natural hazards and the LRC.
11. A plan change and a variation have very different implications for progression of PC 78 (a variation merging with and becoming part of PC 78, and a plan change sitting outside PC 78). The Panel understands that the Council has to date progressed natural hazards on the basis of a variation to PC 78. It therefore requests that the Council confirm whether natural hazards and the LRC are intended to be addressed by plan change or by variation.

Extension to decision deadline

12. Although the Minister's Letter states that he supports a 12-month extension, he has not expressed this as a direction pursuant to s 80L(1)(c) of the RMA, formally amending the time within which Council must complete PC 78.

NPS-UD Policies 3 and 4

13. The Minister’s Letter states that he expects Council to continue progressing the NPS-UD elements of PC 78 to ensure development capacity is enabled in a timely manner. His statement of expectations is that Council continue to progress the parts of PC 78 subject to Policies 3 and 4 of the NPS-UD where practicable, but noting his expectations concerning natural hazards and the LRC as above.
14. While the Panel has completed many of the hearings of discrete Policy 3 and 4 related Topics that are not dependent on what should occur within the LRC, it is limited as to what recommendations it can make without having fully considered the potential impacts of natural hazards, as this has city-wide implications.

Clarifications from the Minister

15. The Panel therefore requests from Council that it seek clarification from the Minister as to his intentions with regard to:
- (a) Whether intensification within the LRC is to be enabled (as opposed to notified) by 30 April 2025;
 - (b) Whether his letter constitutes a direction pursuant to s 80L(1)(c) of the RMA that the Council is to complete its PC 78 process by 31 March 2026 (or some other date).

Report from Council

16. The Panel requests a report from Council following its consideration of the Minister’s Letter and the above matters, as soon as possible (but no later than Thursday 18 April 2024) after the Planning, Environment and Parks Committee meeting on 11 April 2024.

Case management conference

17. The Panel proposes to convene a case management conference of Council and all interested submitters to discuss what course to take in light of the Minister’s Letter and Council’s response, including identifying any topics that the Panel can proceed with. The intention is to do this on 29 April 2024. The conference is likely to be held both in person and by remote attendance. The Panel will issue a further Minute regarding the conference after it receives the response from Council.
18. 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
4 April 2024

Before the Independent Hearings Panel

In the matter of the Resource Management Act 1991 (**RMA**)

And

In the matter of Proposed Plan Change 78: Intensification to the Auckland Unitary Plan Operative in Part (**AUP**)

**Memorandum of counsel for Auckland Council regarding
correspondence from Minister of Housing, Infrastructure and
Resource Management Reform**

Date: 27 March 2024



Level 15, PwC Tower
15 Customs Street West, Auckland 1010
PO Box 160, Auckland 1140
Tel +64 9 303 2019

Solicitor on the Record	Diana Hartley	diana.hartley@dlapiper.com	+64 9 300 3826
Contact solicitor	Anne Buchanan	anne.buchanan@dlapiper.com	+64 9 300 3807

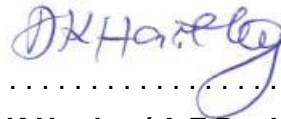
MAY IT PLEASE THE PANEL

- 1 As the Panel is aware, we act for Auckland Council (**Council**) in relation to proposed Plan Change 78: Intensification to the Auckland Unitary Plan Operative in part.

- 2 We are instructed that the Council has received the **attached** letter dated 26 March 2024 from the Minister of Housing, Infrastructure and Resource Management Reform.

- 3 We are also advised that the letter will be considered by the Council's Planning, Environment and Parks Committee on 11 April 2024, and that the Council will file a further memorandum with the Panel following that Committee meeting.

Date: 27 March 2024



.....
D K Hartley / A F Buchanan

Counsel for Auckland Council for
Proposed Plan Change 78

Hon Chris Bishop

Minister of Housing
Minister for Infrastructure
Minister Responsible for RMA Reform
Minister for Sport and Recreation
Leader of the House
Associate Minister of Finance



26 MAR 2024

Wayne Brown
Mayor
Auckland Council
mayor.wayne.brown@aucklandcouncil.govt.nz

Dear Wayne,

Thank you for your letter of 28 February 2024, regarding Auckland Council's request for a further 12-month extension to complete the Intensification Streamlined Planning Process (ISPP), giving the council until 31 March 2026 to complete the process.

I acknowledge your concerns, and the complex interactions between the Council's natural hazards work, and its implications on Plan Change 78. I also note the need to now provide for intensification within the Auckland Light Rail corridor.

I appreciate that Auckland is in a unique situation where there are a number of policy interactions with Plan Change 78. It is encouraging that both the Council acknowledge the need to enable more housing supply and provide intensification in the right places. As you are aware, the Government is progressing our Going for Housing Growth work programme. This requires councils to live-zone for 30 years of housing growth but gives them the flexibility to decide how that growth should happen.

Later this year, I am proposing to introduce legislation focused on these key changes. I am aware Plan Change 78 and the Council's concerns will need to be considered as part of this process alongside the Government's objectives and any other submissions received. I support central and local government to continue to work together to ensure there is an efficient and pragmatic legislative solution that addresses both the Auckland Council's concerns and the Government's objectives.

I support a 12-month extension, but I expect the council to continue working on preparing for a plan change process, or a variation to Plan Change 78, for both natural hazards and the Auckland Light Rail corridor. I expect Auckland Council to notify this plan change/variation by 30 April 2025. In addition, I expect the council to continue progressing the National Policy Statement on Urban Development (NPS-UD) elements of Plan Change 78 to ensure development capacity is enabled in a timely manner.

When the Council first notified Plan Change 78, it did not apply to the Auckland Light Rail Corridor as work was still progressing on the station locations. I understand that with the Government's decision on the Auckland Light Rail project, the council now needs to implement the NPS-UD and Medium Density Residential Standards (MDRS) along the corridor.

I will update my Direction to Auckland Council, with a new Statement of Expectations as follows:

Statement of Expectations

In accordance with clause 80L(2) of the RMA, the Minister's expectations for Auckland Council are to:

- (a) Notify a plan change, or similar, to address the management of significant risks from natural hazards by 30 April 2025.
- (b) Enable intensification within the Auckland Light Rail corridor, and ensure intensification is enabled in appropriate areas by 30 April 2025.
- (c) Continue to progress the parts of the Plan Change 78 subject to Policy 3 and Policy 4 of the National Policy Statement on Urban Development where practicable given the expectations outlined in (a) and (b) above.
- (d) Prior to notifying plan changes, or similar, on natural hazards, and to implement the National Policy Statement on Urban Development and the Medium Density Residential Standards in the Auckland Light Rail corridor, notify the Minister Responsible for RMA on the impacts on Auckland's development capacity.

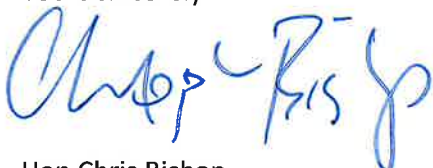
The Minister expects Auckland Council officers to work closely with Ministry for the Environment officials on workable solutions to implement the above.

Reporting requirements

In accordance with clause 80L(1)(d) of the RMA, the Minister directs Auckland Council to provide a report to the Ministry for the Environment on 31 May 2024 and every three months after that date, about its progress on Plan Change 78 and any related plan changes or variations, including any plan change relating to natural hazards. The report shall demonstrate how the Council is having regard to the statement of expectations and identify any issues which may affect the Council's ability to comply with the Minister's Direction.

Thank you for all your work to date. Housing supply is a critical issue for the Government and I appreciate the work you are doing to advance housing solutions for Auckland.

Yours sincerely



Hon Chris Bishop

Minister Responsible for RMA Reform

*cc Simon Brown,
Minister for Auckland*

Komiti mō te Whakarite Mahere, te Taiao, me ngā Papa Rēhia / Planning, Environment and Parks Committee

OPEN MINUTES

Minutes of a meeting of the Planning, Environment and Parks Committee held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on Thursday, 11 April 2024 at 10.02am.

TE HUNGA KUA TAE MAI | PRESENT

Chairperson
Members

Cr Richard Hills
Houkura Member Edward Ashby
Cr Andrew Baker
Cr Josephine Bartley

Via electronic link
From 10.43am, Item 12
In-person from 10.59am, Item 12
Until 1.59pm, Item 10
Until 3.15pm, Item C1

Mayor Wayne Brown
Cr Chris Darby
Cr Julie Fairey
Cr Alf Filipaina, MNZM
Cr Christine Fletcher, QSO
Cr Lotu Fuli
Houkura Member Hon Tau Henare
Cr Shane Henderson
Cr Mike Lee

Via electronic link
Via electronic link
Via electronic link
Via electronic link Until 2.24pm, Item 11
Via electronic link
Via electronic link

Cr Kerrin Leoni
Cr Daniel Newman, JP
Cr Greg Sayers
Deputy Mayor Desley Simpson, JP
Cr Sharon Stewart, QSM
Cr Ken Turner
Cr Wayne Walker
Cr John Watson

From 10.12am, Item 12
Until 11.57am, Item 12
Until 3.01pm, Item 16
Via electronic link
Via electronic link Until 12.32pm

Cr Maurice Williamson

Via electronic link Until 3.01pm, Item 16
Via electronic link
From 10.05am, Item 12
Until 3.01pm, Item 16

TE HUNGA KĀORE I TAE MAI | ABSENT

Deputy Chairperson Cr Angela Dalton

1 Ngā Tamōtanga | Apologies

Resolution number PEPCC/2024/22

MOVED by Cr K Leoni, seconded by Cr J Fairey:

That the Planning, Environment and Parks Committee:

a) whakaae / accept the apologies from

Absence

Deputy Chair Cr A Dalton – on council business

Early Departure

Mayor W Brown, on council business

Cr K Leoni, on council business

Deputy Mayor, Cr D Simpson, on council business

CARRIED

Note: Subsequently, Deputy Mayor, Cr D Simpson did not depart early.

2 Te Whakapuaki i te Whai Pānga | Declaration of Interest

There were no declarations of interest.

3 Te Whakaū i ngā Āmiki | Confirmation of Minutes

Resolution number PEPCC/2024/23

MOVED by Cr C Darby, seconded by Deputy Mayor D Simpson:

That the Planning, Environment and Parks Committee:

a) whakaū / confirm the ordinary minutes of its meeting, held on [Thursday, 14 March 2024](#) as a true and correct record.

CARRIED

4 Ngā Petihana | Petitions

There were no petitions.

5 Ngā Kōrero a te Marea | Public Input

There was no public input.

6 Ngā Kōrero a te Poari ā-Rohe Pātata | Local Board Input

There was no local board input.

7 Ngā Pakihi Autaia | Extraordinary Business

There was no extraordinary business.

Note: From this point forward, agenda items were taken in the following order:

Item

- 12 Proposed Plan Change 78 – Intensification – Next Steps
- 10 Auckland Council submission on the Fast-track Approvals Bill
- 11 Endorsement to prepare Auckland’s Southern Rural Strategy
- 8 Regional Arts and Culture grants programme allocation 2024
- 9 Ngā Hapori Momoho | Thriving Communities grants allocation 2023/2024
- 13 Annual progress update of the Climate Action Transport Targeted Rate
- 14 Summary of Planning, Environment and Parks Committee information memoranda and briefings – (including the Forward Work Programme) – 11 April 2024

12 Proposed Plan Change 78 – Intensification - Next Steps

A PowerPoint presentation was given. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Cr J Watson joined the meeting at 10.05am.

Cr M Lee joined the meeting at 10.12am.

Cr J Bartley joined the meeting at 10.43am via electronic link.

Cr J Bartley entered the meeting in-person at 10.59am.

Cr M Lee left the meeting at 11.28am.

Note: changes were made to the original recommendation, adding new clause d), as a Chairperson’s recommendation.

MOVED by Chairperson R Hills, seconded by Mayor W Brown:

That the Planning, Environment and Parks Committee:

- a) tuhi ā-taipitopito / note the letter from the Minister for Resource Management Reform granting an additional one-year extension for the council to publicly notify decisions on the Independent Hearings Panel’s recommendations on Proposed Plan Change 78 – Intensification from 31 March 2025 to 31 March 2026
- b) tuhi ā-taipitopito / note the expectations from the Minister for Resource Management Reform, including the expectation to progress policies 3 and 4 of the National Policy Statement on Urban Development as far as practicable
- c) ohia / endorse progressing the City Centre zone, its precincts, and “qualifying matters” (to the extent the “qualifying matters” are relevant to the City Centre zone and its precincts) to become operative
- d) ohia / endorse requesting that the Independent Hearings Panel consider progressing the hearing topics on walkable catchments where practicable (policy 3c), where they are outside the Auckland Light Rail Corridor and expected to be unaffected by the natural hazard work, to become operative
- e) whakaae / agree that most efficient way forward for the remainder of Proposed Plan Change 78 is for the government to amend the Resource Management Act 1991 to enable the council to integrate the following matters:
 - i) Auckland Light Rail Corridor (that was excluded from PC78 on notification);
 - ii) strengthened provisions relating to natural hazards

- iii) extent of incorporation of Medium Density Residential Standards into all relevant residential zones (subject to the government amending legislation as announced)
- iv) remaining parts of policies 3 and 4 of the National Policy Statement on Urban Development.
- f) tuhi ā-taipitopito / note that the approach outlined in clause e) is prevented by the Resource Management Act 1991 as it currently stands
- g) tuhi ā-taipitopito / note that the government has committed to enacting a legislative change relating to Medium Density Residential Standards being made optional by the end of 2024, and that the option to not incorporate Medium Density Residential Standards into all relevant residential zones will come with caveats

Further correspondence with the Minister for Resource Management Reform

- h) whakaae / agree that as a matter of urgency, the Mayor, Chair and Deputy Chair of the Planning, Environment and Parks Committee should write to the Minister for Resource Management Reform confirming the position stated in clause e) above and including the strongly held view that:
 - i) the hearings on the submissions on the City Centre zone, its precincts, and “qualifying matters” (to the extent the “qualifying matters” are relevant to the City Centre zone and its precincts) are almost complete, and could be progressed to become operative
 - ii) it is committed to progressing the new plan change at pace while the government is progressing the legislative change relating to Medium Density Residential Standards that it has committed to, and notifying a plan change within three months of the legislative change being enacted
 - iii) it supports a streamlined process for the new plan change that gives immediate legal effect to provisions relating to natural hazards, and is open to discussing whether some of the intensification aspects of the new plan change should take effect at the time of notification.

Response to the Independent Hearings Panel

- i) whakaae / agree the council should provide the Independent Hearings Panel with a copy of the letter referred to in clause h) and confirm the council will not be progressing a variation to Proposed Plan Change 78 for the Auckland Light Rail corridor with urgency, but will be able to notify a variation to Proposed Plan Change 78 for the Auckland Light Rail corridor (if the government does not allow the council to withdraw Proposed Plan Change 78 in part) by 30 April 2025.

The meeting adjourned at 11.32am and reconvened at 11.41am.

Cr M Williamson was not present.

Cr M Lee returned to the meeting at 11.41am.

Cr M Williamson returned to the meeting at 11.51am.

Note: Cr M Lee experienced an electronic connection issue and was unable to reconnect. Therefore:

Cr M Lee retired from the meeting at 11.57am.

Note: the motion was put with clause d) put first and separately.

MOVED by Chairperson R Hills, seconded by Mayor W Brown:

That the Planning, Environment and Parks Committee:

- d) ohia / endorse requesting that the Independent Hearings Panel consider progressing the hearing topics on walkable catchments where practicable (policy 3c), where they are outside the Auckland Light Rail Corridor and expected to be unaffected by the natural hazard work, to become operative

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Houkura Member E Ashby	Cr A Baker	
Cr J Bartley	Mayor W Brown	
Cr J Fairey	Cr C Darby	
Cr A Filipaina	Cr C Fletcher	
Cr L Fuli	Cr D Newman	
Houkura Member T Henare	Cr G Sayers	
Cr S Henderson	Deputy Mayor D Simpson	
Chairperson R Hills	Cr S Stewart	
Cr K Leoni	Cr K Turner	
	Cr W Walker	
	Cr J Watson	
	Cr M Williamson	

The motion was declared LOST by 9 votes to 12.

Note: clauses a) to c) and e) to i) were put.

Resolution number PEPCC/2024/24

MOVED by Chairperson R Hills, seconded by Mayor W Brown:

That the Planning, Environment and Parks Committee:

- a) **tuhi ā-taipitopito / note the letter from the Minister for Resource Management Reform granting an additional one-year extension for the council to publicly notify decisions on the Independent Hearings Panel’s recommendations on Proposed Plan Change 78 – Intensification from 31 March 2025 to 31 March 2026**
- b) **tuhi ā-taipitopito / note the expectations from the Minister for Resource Management Reform, including the expectation to progress policies 3 and 4 of the National Policy Statement on Urban Development as far as practicable**
- c) **ohia / endorse progressing the City Centre zone, its precincts, and “qualifying matters” (to the extent the “qualifying matters” are relevant to the City Centre zone and its precincts) to become operative**
- and
- e) **whakaae / agree that most efficient way forward for the remainder of Proposed Plan Change 78 is for the government to amend the Resource Management Act 1991 to enable the council to integrate the following matters:**
- i) Auckland Light Rail Corridor (that was excluded from PC78 on notification);**
 - ii) strengthened provisions relating to natural hazards**
 - iii) extent of incorporation of Medium Density Residential Standards into all relevant residential zones (subject to the government amending legislation as announced)**

- iv) remaining parts of policies 3 and 4 of the National Policy Statement on Urban Development.
- f) tuhi ā-taipitopito / note that the approach outlined in clause e) is prevented by the Resource Management Act 1991 as it currently stands
- g) tuhi ā-taipitopito / note that the government has committed to enacting a legislative change relating to Medium Density Residential Standards being made optional by the end of 2024, and that the option to not incorporate Medium Density Residential Standards into all relevant residential zones will come with caveats

Further correspondence with the Minister for Resource Management Reform

- h) whakaae / agree that as a matter of urgency, the Mayor, Chair and Deputy Chair of the Planning, Environment and Parks Committee should write to the Minister for Resource Management Reform confirming the position stated in clause e) above and including the strongly held view that:
 - i) the hearings on the submissions on the City Centre zone, its precincts, and “qualifying matters” (to the extent the “qualifying matters” are relevant to the City Centre zone and its precincts) are almost complete, and could be progressed to become operative
 - ii) it is committed to progressing the new plan change at pace while the government is progressing the legislative change relating to Medium Density Residential Standards that it has committed to, and notifying a plan change within three months of the legislative change being enacted
 - iii) it supports a streamlined process for the new plan change that gives immediate legal effect to provisions relating to natural hazards, and is open to discussing whether some of the intensification aspects of the new plan change should take effect at the time of notification.

Response to the Independent Hearings Panel

- i) whakaae / agree the council should provide the Independent Hearings Panel with a copy of the letter referred to in clause h) and confirm the council will not be progressing a variation to Proposed Plan Change 78 for the Auckland Light Rail corridor with urgency, but will be able to notify a variation to Proposed Plan Change 78 for the Auckland Light Rail corridor (if the government does not allow the council to withdraw Proposed Plan Change 78 in part) by 30 April 2025.

CARRIED

Note: Under Standing Order 1.8.6, the following councillors requested their dissenting vote be recorded:

- Cr S Henderson
- Cr W Walker
- Cr J Watson

Attachments

- A 11 April 2024, Planning, Environment and Parks Committee: Item 12 - Proposed Plan Change 78 – Intensification - Next Steps, Presentation

Cr G Sayers retired from the meeting at 12.34pm.

Before the Independent Hearings Panel

In the matter of the Resource Management Act 1991 (**RMA**)

And

In the matter of Proposed Plan Change 78: Intensification to the Auckland Unitary Plan Operative in Part (**AUP**)

**Memorandum of counsel for Auckland Council regarding
correspondence from Minister of Housing, Infrastructure, Sport &
Recreation, and RMA Reform to Auckland Council dated 8 May 2024**

Date: 14 May 2024



Solicitor on the Record
Contact solicitor

Diana Hartley
Anne Buchanan

diana.hartley@dlapiper.com
anne.buchanan@dlapiper.com

+64 9 300 3826
+64 9 300 3807


Level 15, PwC Tower
15 Customs Street West, Auckland 1010
PO Box 160, Auckland 1140
Tel +64 9 303 2019

MAY IT PLEASE THE PANEL

Introduction

- 1 This memorandum of counsel for Auckland Council (**Council**) is filed in regard to further correspondence received from the Minister of Housing, Infrastructure, Sport & Recreation, and RMA Reform (**Minister**) on 8 May 2024.
- 2 We are instructed that the Council has received the **attached** letter in response to the Council's letter to the Minister dated 3 May 2024.
- 3 We are advised that, within a week, the Council intends to file with the Panel a further memorandum addressing the matters/expectations raised in the Minister's letter.

Date: 14 May 2024



.....
D K Hartley / A F Buchanan
Counsel for Auckland Council for
PC78

Hon Chris Bishop

Minister of Housing
Minister for Infrastructure
Minister Responsible for RMA Reform
Minister for Sport and Recreation
Leader of the House
Associate Minister of Finance



08 MAY 2024

Auckland Council

mayor.wayne.brown@aucklandcouncil.govt.nz

Dear Wayne, Richard and Angela

Thank you for your letter dated 3 May 2024 and for progressing the City Centre section of the Unitary Plan. I welcome, by 30 April 2025, your intention to notify the plan change or variation to address the management of significant risks from natural hazards, enable intensification within the Auckland Light Rail corridor, and to enable intensification in all other appropriate areas not otherwise progressed.

I understand the procedural constraints with the Resource Management Act 1991 (RMA) and your request for changes to address the need for housing in the right places while reflecting greater understanding of natural hazards. My officials are working on legislative options and will work with you to provide advice to me and Ministers on this matter.

In the meantime, and as you indicate in your letter, I welcome your intention to confirm changes to the City Centre. In addition, I consider there are other important parts of Plan Change 78 that it will be sensible to progress. I acknowledge there is concern with the overlapping of future plan changes or variations for natural hazards, Auckland Light Rail (ALR) corridor and opting out of the Medium Density Residential Standards. However, it is possible to make progress on the spatial areas defined by policies 3(b) and (c) of the National Policy Statement on Urban Development (NPS-UD) given the urgent need for additional development around these areas.

Therefore I expect Auckland Council to progress intensification policies 3(b) and (c) and 4 of the NPS-UD, being within the Metropolitan centres and the walkable catchments where there is little to no flooding impacts, and not within the ALR corridor, including:

- around Rapid Transit Stops (including the busways and the rail network)
- around Metropolitan centres
- around the City Centre zone (acknowledging the City Centre zone is progressing per policy 3(a)).

The Metropolitan centres are generally connected to the rapid transit network and are key hubs for commercial activity akin to the City Centre. I consider that these areas should be progressed in the same way the City Centre zone has been agreed to progress.

In the interests of clarity and any avoidance of doubt my expectation is that Auckland Council produces a list of locations where there is little or no risk of flooding which can be progressed for hearings and decision-making. I recommend that this list is shared with the Independent Hearing Panel and agree with the Panel on a viable date to produce

recommendations to progress policy 3(b) and (c) and 4 of the NPS-UD before coming back to me.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Chris Bishop', with a stylized flourish at the end.

Hon Chris Bishop
Minister Responsible for RMA Reform

Cc: Hon Simeon Brown, Minister for Auckland

Before the Independent Hearings Panel

In the matter of the Resource Management Act 1991 (**RMA**)

And

In the matter of Proposed Plan Change 78: Intensification to the Auckland Unitary Plan Operative in Part (**AUP**)

**Further memorandum of counsel for Auckland Council regarding
correspondence from Minister of Housing, Infrastructure, Sport &
Recreation, and RMA Reform to Auckland Council dated 8 May 2024**

Date: 21 May 2024



Solicitor on the Record
Contact solicitor

Diana Hartley
Anne Buchanan

diana.hartley@dlapiper.com
anne.buchanan@dlapiper.com

+64 9 300 3826
+64 9 300 3807

Level 15, PwC Tower
15 Customs Street West, Auckland 1010
PO Box 160, Auckland 1140
Tel +64 9 303 2019

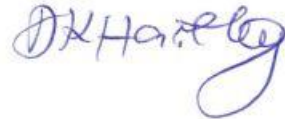
MAY IT PLEASE THE PANEL

Introduction

- 1 The purpose of this memorandum of counsel for Auckland Council (**Council**) is to provide a further update to the Independent Hearings Panel (**Panel**) following the Council's memorandum dated 14 May 2024.
- 2 In the Council's memorandum dated 14 May 2024, we advised that, within a week, the Council intended to file with the Panel a further memorandum addressing the matters/expectations raised in the letter from the Minister of Housing, Infrastructure, Sport & Recreation, and RMA Reform (**Minister**) to the Council dated 8 May 2024.
- 3 In the Minister's letter, the Minister indicated his expectation that the Council should produce a list of metropolitan centre and walkable catchment locations outside of the Auckland Light Rail Corridor where there is little or no risk of flooding which could be progressed for hearings. The Minister requested that the Council share this list with the Panel and agree with the Panel a viable date to produce recommendations to progress policy 3(b), 3(c) and 4 of the National Policy Statement on Urban Development 2020.
- 4 In response, we are instructed that there are no metropolitan centre zone or walkable catchment locations where there is no risk of flooding.
- 5 We are further advised that the Council is actively undertaking technical work to understand and quantify the level of risk associated with flooding in metropolitan centre zone and walkable catchment locations, including technical work into depth and velocity.

- 6 We are instructed that the Council is therefore currently not in a position to produce a list of metropolitan centre zones or walkable catchment locations with "little risk" of flooding that could potentially be progressed, as the Minister has requested. The Council will provide this information as soon as it is available.

Date: 21 May 2024



.....
D K Hartley / A F Buchanan
Counsel for Auckland Council for
PC78