

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 – 1 JULY 2024

PLAN CHANGE 78 – QUESTIONS FOR COUNCIL REGARDING FLOODING RISK AROUND METROPOLITAN CENTRES AND DEFERRING THE REMAINING PC78 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. The Panel issued a Minute and Direction dated 23 May 2024 following on from the Case Management Conference in which it directed the completion of PC78 topics as they relate to the City Centre and its precincts (City Centre Zone) and deferred its decision on the remaining Plan Change 78 topics. The purpose of this minute and direction is to request further information about metropolitan centre zone flooding risk and provide the Panel’s decision on hearing the remaining topics outside of the City Centre Zone.

Metropolitan Centre Zone and related Precincts – Flooding risk
3. In its memorandum dated 21 May 2024 the Council stated that there is ‘*no metropolitan centre zone where there is no risk of flooding*’ and that it is ‘*actively undertaking technical work to understand and quantify the level of risk associated with flooding in metropolitan centre zone ... locations*’. Before the Panel makes a decision on whether to hear the Metropolitan Centre Zones provisions and related precincts it requires additional information from the Council regarding flooding risk.
4. The Panel would like to know the extent to which any updating of flooding risk assessments show a material increase from what was in the notified version of PC78 and whether any increase in areas falls on public land or private land. To assist with this information the Panel has prepared the below table for the Council to complete for each of the metropolitan centre zones, along with any other relevant information that will assist the Panel in making a decision whether to proceed with hearing any one or more of the Metropolitan Centre zone provisions.

For each Metropolitan Centre (as applicable, and approximate)			
	Area of zoned land affected by flooding as notified in PC78	Area of zoned land affected by flooding identified in updated modelling	Difference
Total area of zoned land (excluding roads)			
Low Density Residential Zone			
Mixed Housing Urban Zone or Terrace Housing and Apartment Buildings zone			
Business – Metropolitan Centre Zone			
Any Other Business Centre zones			
Any Business Heavy Industry or Light Industry			
Any Open Space zone			
Any Special Purpose zone			

5. The PC78 topics that would be covered by a Metropolitan Centre zone and related precincts hearing, should it proceed, are listed below:

- 016B Business – Metropolitan Centre Zone Provisions.
- 020AC Precincts – Albany Centre Precinct
- 020V Precincts – Manukau Precinct
- 020AT Precincts – I607 New Lyn Precincts
- 020AY Precincts – I336 Sylvia Park Precinct
- 020AL Precincts – Takapuna 1 Precinct
- 020AW Precincts – I615 Westgate Precinct

The Panel has heard the Albany Centre, Manukau and Takapuna 1 Precincts but would like to see them included in the flood risk analysis.

6. The Panel directs that the Council provide its response by Tuesday 30 July 2024.

Deferring the Remaining PC78 Topics

7. The Panel has decided to defer all Plan Change 78 topics that are not covered in this Minute and Direction or covered in the upcoming City Centre Outstanding Matters hearing. The Panel will review its position on the deferral in early 2025, unless something arises in the meantime.

8. While the deferral is in place the Panel request that Council provide regular updates on the progress of its interaction with the Minister and the status of the proposed variations to PC78.

9. 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

A handwritten signature in cursive script that reads "M. Casey".

Matthew Casey, KC
Chairperson
1 July 2024
